

# the HUMAN LIFE REVIEW



SPRING 2005

*Featured in this issue:*

Mary Meehan on . . . Saving Lives through the Churches  
Stephen Vincent on . . . . . The Road Ahead

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GLIMPSES OF THE MAGNIFICENT:

## REFLECTIONS ON THE LIFE OF JOHN PAUL II

Maria McFadden • William Murchison • Lynette Burrows  
Robert M. Patrick • Joan Frawley Desmond • Mary Kenny  
and Ellen Wilson Fielding

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William Ross Blackburn on . . . . . Abortion & Scripture  
Cathy Cleaver Ruse on . . . Partial-Birth Abortion on Trial

*Also in this issue:*

Sandi Merle • Markus Grompe & Robert P. George  
Eric Cohen • Wesley J. Smith

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ABOUT THIS ISSUE . . .

. . . with the death of John Paul II, the pro-life movement has lost its *de facto* leader. Spanning nearly 27 years, his papacy coincided with the rise of a global “pro-choice” juggernaut, based at the United Nations and committed to exporting Western-style licentiousness. In a David and Goliath-like drama, the Holy See, under John Paul’s direction, used its permanent-observer status at the UN to great effect—most famously, perhaps, at the 1995 Beijing women’s conference where its delegation, headed up by Harvard Law School Professor Mary Ann Glendon, bested the pro-abortion American delegation, headed up by then-first lady Hillary Clinton.

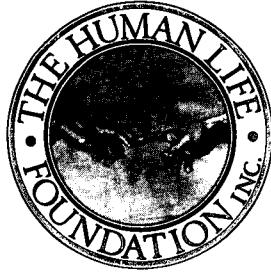
But it was in his personal evangelizing that this peripatetic pontiff made his greatest mark. From Rome to New York to Singapore (and everywhere he went in between) John Paul denounced the creeping “culture of death,” urging the West to use its precious bounty to create a “culture of life,” a phrase, notes Stephen Vincent, that President Bush frequently employs (“The Road Ahead,” page 33). If the global conscience remains uneasy today about abortion and its progeny—e.g., cloning, embryonic stem-cell research, euthanasia—much of the credit belongs to John Paul. Though a good deal has been written about him in the months since his death, we think the tributes in our special section, “Glimpses of the Magnificent: Reflections on the Life of John Paul II” (page 40) prove the subject is far from exhausted.

As leader of over a billion Catholics, John Paul had the biggest pulpit, but other denominations are also passionately engaged in the abortion struggle. Mary Meehan, in the first of a two-part series (“Saving Lives through the Churches,” page 5) profiles other pro-life heroes, while reminding us that, at least in the beginning, many clerics actually supported and actively worked for “abortion rights.” William Ross Blackburn, an Episcopal clergyman whom we welcome as a new contributor (“Abortion and the Voice of Scripture,” page 67), uses Biblical exegesis to show how misguided are contemporary efforts to justify abortion on religious grounds.

Another new contributor, Cathy Cleaver Ruse (“Partial-birth Abortion on Trial,” page 87) is also a new mother: Congratulations to Cathy and her husband, Austin Ruse, who welcomed Lucy into the world on June 4. (Congratulations, also, to Ramesh Ponnuru, whose impressive articles for *National Review* we frequently reprint. He and his wife April welcomed Mary Lakshmi on May 30.)

As always, we thank other publishers who graciously allow us to reprint important contributions to the pro-life cause: This issue is enhanced by work from the *Wall Street Journal* (“Creative Science Will Resolve Stem-Cell Issues” by Markus Grompe and Robert P. George, page 107); the *Weekly Standard* (“Go Forth and Replicate” by Eric Cohen, page 109) and National Review Online (“PETA’s Non-Apology Apology” by Wesley J. Smith, page 111). Special thanks to our friend, Sandi Merle, for sending us along her original and heartfelt meditation, “Just an Ordinary Saturday in May” (page 105). And to Nick Downes for sending us the best cartoons on the planet.

ANNE CONLON  
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## INTRODUCTION

IT WOULD SEEM AN UNDERSTATEMENT to say that Christian teaching and tradition support the pro-life position. And yet, by and large, mainline Protestant churches have declared themselves “pro-choice” on abortion, to the frustration and dismay of some of their congregants. In this issue’s lead article, “Saving Lives through the Churches,” Mary Meehan explains how this came about; at the same time, she introduces the reader to the dedicated souls within these denominations who are working to restore, as a church priority, respect for human life. “Can you imagine what our country would be like today,” exclaimed Karen Cross of West Virginians for Life, “if our churches did everything they could do?”

Meehan begins by examining Biblical teaching about abortion, because “those who wish to put a religious seal of approval on abortion like to say that the Bible does not forbid it, or even mention it.” She then traces the historical reasons why some churches experienced great pressures to turn away from the defense of the unborn, chief among them, of course, the sexual revolution, but also the less well-known eugenics movement. “That movement,” writes Meehan, “had such influence on universities and the entire culture that many clergy who had no formal links with eugenics were influenced by its attitudes, including its deep prejudice against people with disabilities and its commitment to population control.” *Review* readers will recognize notorious figures like Dr. Joseph Fletcher, author of the 1966 book *Situation Ethics*, who is spoken of (often in our pages) as the father of utilitarianism in medical ethics. He was a former Episcopalian priest whose writing, Meehan observes, has had a great influence on those “who may not be aware of his early eugenics connection or later atheism.” Lawrence Lader, the population controller and abortion advocate (and cofounder of NARAL), was instrumental in the start-up of what would become, in 1967 (when abortion was still illegal) the “Clergyman’s Consultation Service on Abortion”—an abortion referral service founded by a Baptist minister, the Reverend Howard Moody.

In addition to painting the historic picture of the churches’ involvement in the abortion-rights movement, Meehan has gathered together up-to-date accounts of the struggles currently underfoot in the Lutheran, Episcopalian, Methodist, Presbyterian, and United Church of Christ churches, where pro-life contingents are working steadily to change or at least modify the pro-choice gospel being preached. In Part II, which will appear in our next issue, Meehan will focus on denominations which are officially pro-life but whose local churches “vary greatly in the attention they give to life issues”—another understatement, perhaps?

We move from the pulpit to politics. In “The Road Ahead,” Stephen Vincent considers what, now that Bush has been elected to a second term, the pro-life movement can—or ought to—expect from him. Vincent has surveyed a number of pro-life organizations and individuals, whose opinions are sharply divided, not

only on President Bush and his effectiveness, but about pro-life strategy in general. The incremental approach, which works to pass laws limiting some abortions, is supported by those who see it as the only possible way to start saving lives and changing the culture; others reject it as “selling out”—they say legislation that allows *any* exceptions weakens the chances of eventually outlawing all abortions. The pro-life movement, however divided, faces a crucial moment, says Vincent, as “biotechnology speeds up to a frightening gallop, and political forces intent on skewing the issues converge for the 2008 election.” We are also at an historic moment in the Supreme Court. As I write this, it has just been announced that Judge John G. Roberts, Jr. is the President’s nominee to replace retiring Justice Sandra Day O’Connor. The process has yet to unfold, but it seems the President has stayed true to his pledge to nominate a strict constitutionalist to the highest court in the land.

Our special section on Pope John Paul II (the Great) follows, with its own introduction on page 40. Following that is an engaging article that further explores a theological issue raised in Mary Meehan’s piece: the claim that the Bible is “silent” on abortion. In “Abortion and the Voice of Scripture,” Episcopal clergyman William Ross Blackburn addresses a similar assertion made by a well-known New Testament scholar, Richard Hays. In an essay in his book *The Moral Vision of the New Testament*, Professor Hays says *re* abortion: “In a case where the New Testament offers us no clear instruction, it is perhaps inevitable that Christians will in good conscience reach different conclusions.” Reverend Blackburn, in his own rewardingly cogent and scholarly essay, exposes Hays’ arguments as deeply flawed. For example, though Hays warns about imposing “secular” categories on scripture, he insists the Bible has nothing to say about the “personhood of the fetus.” Yet, as Blackburn points out, “If the category of ‘fetus’ is abandoned in favor of ‘children,’ the Scripture can be seen speaking as directly concerning abortion as it does to taking the life of other human beings.” (In the Bible, a pregnant woman is a “woman with child;” a miscarriage is described as a woman’s “children” coming out.) It is interesting to note, back to Meehan’s point about the influence of eugenics, that the case upon which Hays bases his commentary is that of a Christian couple who decided to abort their Down’s Syndrome child. Blackburn concludes that to “query” whether abortion might be a “necessary choice” in that case is a “betrayal of the Gospel.” In an inspiring finish, he writes of the churches’ great opportunity to aid women in crisis pregnancies, and to spread the Good News of God’s loving mercy and forgiveness to the millions of mothers and fathers whose children have been aborted.

I must warn you: our final article is explicit and profoundly disturbing—it is also extremely important. As you are aware, the Partial-Birth Abortion Ban Act of November 2003 was immediately challenged by federal lawsuits filed in New York, Nebraska and California. Judges in the three trials that followed all ruled against the ban. Cathy Cleaver Ruse, former spokesperson for the U.S. Conference

## INTRODUCTION

of Catholic Bishops, has written an article focusing specifically on testimony from the trial held in New York, “the richest and most extensive of the three.” Ruse writes of the importance of this testimony: “Never in the years since *Roe v. Wade* has such extensive evidence about the practice of abortion been placed in the public record—and it has been placed there by the abortion doctors themselves.” Because Judge Richard Conway Casey “was not a judge from the pro-abortion activist mold,” he insisted that abortion doctors speak plainly; he refused to allow euphemisms, and, as you’ll read, he pressed them on the issue of fetal pain. What resulted was a transcript that, as our good friend and *Review* contributor Michael M. Uhlmann has said, reads like “our own Nuremberg trials.” For this reason, as gruesome as the accounts can be, they ought to be read by every American—they expose the awful reality of partial-birth abortion “procedures.” We are grateful to Mrs. Ruse for her deft editing of the transcripts and her incisive commentary.

\* \* \* \* \*

As if to throw the final article in acute perspective, *Appendix A* is a poignant reflection, by Sandi Merle, about one tiny, prematurely born baby, whose brief life held profound meaning.

*Appendix B* is a *Wall Street Journal* column by Markus Grompe and Robert P. George which presents promising news reported by the President’s Council on Bioethics: there is “good scientific reason” to believe that methods are possible to produce stem cell lines *without* destroying or harming living embryos. This news is also taken up by Eric Cohen, whose essay from the *Weekly Standard* (*Appendix C*) is a sharp reality-check about where we are as a culture *vis à vis* embryonic stem-cell research and—what was once unthinkable—human cloning. In our final appendix, Wesley Smith reports on a recent People for the Ethical Treatment of Animals (PETA) effort that is extreme (even for them): the “Holocaust on Your Plate” campaign, which “explicitly compared eating meat to participating in the gassing of millions of Jews.”

From chilling absurdity to a pleasing appreciation of the absurd—I sign off by acknowledging once again the marvelous contribution of Nick Downes, whose inspired cartoons bring us sweet relief. Until next time.

MARIA McFADDEN  
EDITOR

## Saving Lives through the Churches

*Mary Meehan*

<sup>66</sup>Can you imagine what our country would be like today if our churches did everything they could do?" That question came from Karen Cross, executive director of West Virginians for Life, at the 2004 National Right to Life Convention. She was speaking in one of several convention workshops on how to increase pro-life activism in the churches.<sup>1</sup>

Many Christian churches are already doing a great deal to save lives from abortion and euthanasia. They find shelter for pregnant women who need it; they send volunteers and donations to pregnancy aid centers. They help desperate people who might otherwise turn to suicide or euthanasia. Their ministers and priests address life issues from the pulpit. They lead their people on vigils at abortion clinics, lobbying trips to state legislatures, and the annual March for Life in Washington, D.C. Some run voter-registration campaigns in their churches and urge congregants to vote for pro-life candidates only.

But Cross and her colleagues know that many pastors are uninvolved, that some are hostile to the pro-life cause, and that some are active on the other side. One of the convention workshops was called "We Are the Sheep . . . Where Are the Shepherds?" Dennis Di Mauro of Lutherans for Life had many ideas for reaching the shepherds. Take your pastor to lunch, he advised; tell him why you are "passionate about pro-life"; and "suggest ways for him to get involved." Di Mauro stressed the importance of giving talks at regional church conventions and placing articles in denominational magazines. Involving church leaders in pro-life events, he remarked, is sometimes "as simple as asking them—and they're not asked."<sup>2</sup>

Rev. Frank Pavone—"Father Frank" to those who know him as leader of the Catholic group called Priests for Life—stressed the need to avoid busywork and to ask, "What needs to be done here to get us to the goal"—that is, "bringing down this abortion empire that we have in the United States?" Activists, he said, should target the abortions done in their own community. A church's first question should be: "Is there a killing center in the boundaries of this parish? And if not, where's the nearest one?" The surrounding parishes, he said, should work together against it.<sup>3</sup>

The pages that follow will describe Christian teaching against abortion and then show how, despite that tradition, abortion gained a stronghold in

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Mary Meehan, a freelance writer living in Maryland, is a long-time contributor to this journal. This is the first article in a two-part series; the second will appear in the Summer, 2005 issue.

mainline Protestant churches. While officially “pro-choice,” though, they include dedicated members who work to change their positions and are having some success. We will explore their work at length. In Part II, we will consider denominations officially on the pro-life side (Catholic, Orthodox, Southern Baptist Convention), whose local churches vary greatly in the attention they give to life issues. We will also take a look at historically African American churches and the Quaker community, whose members often feel pulled toward a pro-life stance by much in their tradition, yet pushed away from it by profound disagreement with conservative pro-lifers on other issues. And we will consider some things the pro-life movement might do to make more progress among the churches without being, in fact or perception, a wholly religious movement.

#### **Faith of Our Fathers**

The Christian tradition is strongly pro-child and anti-abortion. This is the ancient heritage of Catholics, Orthodox, and Protestants alike. The ancient Psalmist prayed, “Truly you have formed my inmost being; you knit me in my mother’s womb. I give you thanks that I am fearfully, wonderfully made” (Psalm 139: 13-14).<sup>4</sup> The Scriptures say that the prophet Jeremiah, while still in his mother’s womb, was chosen by God for special work: “Before I formed you in the womb I knew you, before you were born I dedicated you, a prophet to the nations I appointed you” (Jeremiah 1:5). There are similar passages about the prophet Isaiah and St. Paul (Isaiah 49:1 and Galatians 1:15). Both in the Old Testament and the New, people welcome children as gifts from God and signs of hope. The welcome is especially joyous, of course, in the Christmas story, where choirs of angels, lowly shepherds, and three wise men welcome the newborn child.

Those who wish to put a religious seal of approval on abortion like to say that the Bible does not forbid it, or even mention it. But while it may not use the *word* “abortion,” the Old Testament includes descriptions of it as a wartime atrocity. In one case, the condemnation is clear: “For three crimes of the Ammonites, and for four, I will not revoke my word; because they ripped open expectant mothers in Gilead, while extending their territory . . . Their king shall go into captivity, he and his princes with him, says the Lord” (Amos 1:13-15). The Ammonites killed both mothers and their unborn children. While abortion today can greatly injure a woman, maternal deaths from it are rare, at least in Western countries. But abortion still kills children, thus violating the commandments “You shall not kill” and “The innocent and the just you shall not put to death” (Exodus 20:13 and 23:7). Some scholars also argue that the condemnation of *pharmakeia* (the use of drugs, especially by



magicians or sorcerers) by St. Paul and the Book of Revelation includes condemnation of abortifacients.<sup>5</sup>

Then there is the command of the *Didache* (or *Teaching of the Twelve Apostles*), written during or soon after the apostolic era: "Thou shalt not murder a child by abortion/destruction." Other early Christian writers, including Church Fathers, condemned abortion in clear terms. Tertullian declared: "In our case, murder being once for all forbidden, we may not destroy even the foetus in the womb . . . nor does it matter whether you take away a life that is born, or destroy one that is coming to the birth. That is a man which is going to be one; you have the fruit already in the seed." St. Clement of Alexandria called abortion "a perverse art" and declared that women who used drugs to abort their offspring "abort at the same time their human feelings." St. John Chrysostom, a giant of the Eastern church, called abortion "something even worse than murder." Although Chrysostom's attitude toward women was hardly ideal, as we will see later, he at least recognized that male pressure led to many abortions. "Why then dost thou abuse the gift of God, and fight with His laws," he asked, "and follow after what is a curse as if a blessing, and make the chamber of procreation a chamber for murder, and arm the woman that was given for childbearing unto slaughter?" He added: "For even if the daring deed be hers, yet the causing of it is thine."

Yet while they viewed abortion as always gravely sinful, some Church Fathers thought it was not homicide if done before the fetus was "formed." This view was based partly on a mistranslation of Exodus 21:22-25. The great medieval philosopher and theologian, St. Thomas Aquinas, by accepting the Aristotelian theory of delayed ensoulment, compounded what was already a major error. But ancient and medieval theologians who accepted delayed ensoulment knew little about embryology and nothing about genetics. With the benefit of modern science, the Catholic Church has discouraged the theory of delayed ensoulment since the late 1800s. And in 1965 its Second Vatican Council declared: "From the moment of its conception life must be guarded with the greatest care, while abortion and infanticide are unspeakable crimes."<sup>6</sup>

Although the Protestant Reformation represented a radical split with the Catholic tradition in many ways, it did not include a break in the teaching against abortion. Martin Luther remarked that God "is not hostile to children, as we are. . . . How great, therefore, the wickedness of human nature is! How many girls there are who prevent conception and kill and expel tender fetuses, although procreation is the work of God!"<sup>7</sup> John Calvin declared: "If it seems more horrible to kill a man in his own house than in a

field, because a man's house is his place of most secure refuge, it ought surely to be deemed more atrocious to destroy a *foetus* in the womb before it has come to light." Modern Protestant theologians, such as Karl Barth, generally held to the old tradition but allowed an exception when the mother's life was at stake. Dietrich Bonhoeffer, though, questioned that exception, saying that "whether the life of the mother or the life of the child is of greater value can hardly be a matter for a human decision."<sup>8</sup>

American anti-abortion laws of the 1800s were passed when the country was still overwhelmingly Protestant in numbers and in culture. Protestant doctors and some ministers were prominent among anti-abortion leaders (although then, as now, there were complaints that many ministers avoided the issue). Protestants supported compassionate alternatives to abortion such as the Florence Crittenton and Salvation Army maternity homes. Evangelicals offered shelter and other aid to women entrapped by prostitution, trying to save their souls and lives—and also to save their children from abortion.<sup>9</sup>

#### **Binding Up Heavy Loads, Hard to Carry**

When the Christian churches of America faced pressures to condone abortion in the 1960s and early 1970s, they were asked to abandon a strong pro-life tradition. Yet that tradition had problems in both theology and practice. One was the tendency to speak of abortion and contraception in the same breath, as both Martin Luther and many Catholic theologians did. This was due partly to the belief that *any* interference with procreation is wrong. At times it may have been due also to mistaken embryology—a problem that was not limited to ancient and medieval times. As Marvin Olasky notes, many scientists of the 1600s and 1700s "essentially believed human life to begin not *after* quickening but *before* conception." It seems that "Anton von Leeuwenhoek's discovery of microscopic 'animalcules' in 1674 gave a boost to old theories that humans were actually 'preformed' and existed as little people within the sperm." Whatever one's view on either contraception or abortion, it's easy to see that longstanding scientific confusion complicated discussion of *both* issues. But we now know that barrier methods of birth control are simply not the same as abortion; they do not involve the taking of lives already begun. On the other hand, though, population controllers often deny or obscure the fact that birth-control drugs and the intrauterine device (IUD) are abortifacient at least part of the time because, when fertilization has already occurred, they prevent implantation.<sup>10</sup>

Another problem was that many Christians viewed unwed mothers mainly as "fallen women" in need of repentance. No doubt many were; but many had been heavily pressured for sex by men who abandoned them when

pregnancy resulted. Sometimes the heavy pressure had bordered on rape, or actually crossed over the line into it. In any case, there was little discussion of “fallen men.”

There needs to be a delicate balance between, on one hand, discouraging sexual activity outside of marriage, and, on the other hand, welcoming children and helping single mothers without condescension or embarrassment. Many pastors would have been more effective in the first task had they presented Christian teaching on sex as God’s plan for family happiness, instead of offering a morbid view of sex and an intimidating list of negative commands. They might have been more effective in the second had they distinguished in their own minds between Christian teaching (which does, indeed, require repentance for sex outside of marriage) and the social attitudes of the middle and upper classes, who often see the major problem as one of being “caught” and who worry about what the neighbors will think.

Another problem was that much ancient and medieval writing against abortion came from men who had a highly negative view of women. Taking Scriptural passages quite literally, they viewed women as inferior and subservient to men and mainly intended for obedience and childbearing. Following Genesis 3:1-16, they thought that because Eve was the first to eat forbidden fruit in the Garden of Eden, and because she gave some of it to Adam, all mothers were condemned to added pain in childbirth and perpetual subjection to their husbands.

John Chrysostom, so eloquent in his condemnation of abortion, was also, unfortunately, callous in his general attitude toward women. The “rule of the man is natural,” he said complacently, and added that a woman was supposed to cover her hair when praying so that “her own will may have part in her acknowledgment of subjection.” While he opposed wife-beating, he advised the woman who suffered it: “Take it not ill, O woman, considering the reward which is laid up for such things.”<sup>11</sup> Thus, instead of telling the woman—and neighbors and society in general—to prevent such abuse, he told the woman that she was piling up rewards in heaven by enduring the beating. (After, say, 30 years of beating, one can imagine that her reward was very great indeed.)

Martin Luther was a loving husband and a good father, but a patriarchal one. He accepted without question the idea that women must be subject to men and must suffer the “pain and tribulation” of childbearing because of Eve’s sin. “Those penalties will continue until judgment,” he said. But he called it “a very great comfort that a woman can be saved by bearing children, etc. That is, she has an honorable and salutary status in life if she keeps busy having children.”<sup>12</sup>

Chrysostom and Luther, to be sure, relied on Scriptural verses in their teaching. But in this, as in much other Biblical literalism, one wonders if they ever asked themselves how a good and loving God could be so unjust and cruel? If we also consider the traditional exclusion of women from politics, the professions, and much else in life, should anyone be surprised that women finally rose up against centuries of subjection? The great tragedy is that unborn children suffered so much in the backlash.

#### **Nobody Knows the Trouble I've Seen**

The feminist backlash was strong in the mainline Protestant churches—including the Episcopal, Methodist, and Presbyterian—in the late 20th century. But many other factors were at work there, including a heavy modernist influence in theology. This often led—in individuals, although not in official church teaching—to rejection of basic Christian dogmas. Mainliners who traveled all the way down that path often found there was not much left of their religion except the idea of service to humanity. Many continued to pursue that within their churches; others decided they could do just as well in politics. Meanwhile, mainliners who held to the old-time religion were appalled by others' constant tinkering with Bible translations, liturgy, and beloved old hymns; by the political causes of some church leaders; and (in some churches) by long, bruising battles over the ordination of women and homosexuals. Many voted with their feet, moving to more conservative churches. Those they left behind often found that their own children quit the mainline churches.

As a result of all these problems, plus a sinking birthrate, the mainline churches suffered a declining membership for decades. Some are still losing members, while a few have stabilized or even grown recently.<sup>13</sup> The mainline churches' weakness for the trendy—the tendency to be “more radical than thou” or “the church of what's happening now”—has hurt them over the years. And the sexual revolution of the 1960s and 1970s battered the already-weakened defenses of their moral theology. As the late Presbyterian minister and Scripture scholar Elizabeth Achtemeier once said, “The courage that we found during the Civil Rights movement—which led us to triumph through sit-ins and legislative battles and in spite of murders—has crumbled before the onslaught of the sexual revolution.” The Rev. Dr. Achtemeier added, “Of late and far too often, the American church has joined in the hedonism of a society far from God.”<sup>14</sup>

Dr. Joseph Fletcher, a former Episcopal priest who eventually became an atheist, did much to promote the sexual revolution through his 1966 book, *Situation Ethics*. A leading writer on medical ethics, Fletcher pursued a strong

eugenics agenda, including support of sterilization and abortion as well as genetic engineering, high-tech reproduction, and euthanasia.<sup>15</sup> Many lay people who were influenced by his writing probably had no idea of his early eugenics connection or his later atheism.

Fletcher was not alone in his enthusiasm for eugenics, the effort to “improve” humanity through selective breeding. As Christine Rosen has shown in *Preaching Eugenics*, many mainline Protestant clergy were involved in the eugenics movement in the early 20th century.<sup>16</sup> That movement had such influence on universities and the entire culture that many clergy who had no formal links with eugenics were influenced by its attitudes, including its deep prejudice against people with disabilities and its commitment to population control.

The mainline Protestant churches are important in themselves, of course, but also in the great influence they have on the cultural and political leadership of the United States. To the extent that the movers and shakers of our society attend church at all—and many still do, though some only on ceremonial occasions—they generally belong either to mainline Protestant churches or to the Catholic Church. The Episcopal, Presbyterian, Methodist and other mainline churches may still have substantial influence on many business leaders and university presidents, and even on some foundation executives and media powers-that-be. The same churches include among their members many governors, members of Congress, Supreme Court justices, and presidents (current and former). If those churches can be turned around—or at least persuaded to stop lending their names to pro-abortion efforts—the positive results will extend far beyond their own congregations.

#### I Didn't Hear Nobody Pray

In 1967 American Baptist minister Howard Moody started a group that would have a major impact on mainline Protestant churches—the Clergymen's Consultation Service on Abortion (CCS) in New York City. This abortion referral service operated when abortion was generally illegal in the United States, although some states had started to loosen their restrictions. Moody, who was pastor of the Judson Memorial Church in Greenwich Village—a prime example of a “church of what's happening now”—was deeply concerned about the dangers of illegal abortions done by incompetent practitioners. Indeed, he felt that anti-abortion laws represented male vengeance against women.

But other factors were involved as well. Lawrence Lader, a population-controller and abortion advocate who was already making his own abortion referrals, had suggested clergy involvement to Moody. Moody and his

assistant, Arlene Carmen, apparently were influenced by population-control ideology. As they later wrote: "We had to keep reminding ourselves that abortion is one small part of a much larger picture of family planning, population control, and ecological disaster." And eugenics prejudice was evident in the CCS statement of purpose, which complained that anti-abortion laws "compel the birth of unwanted, unloved, and often deformed children." The clergy were distressed that suggestions to change the New York law to allow abortion for rape, incest, "and deformity of the child" had met strong resistance.<sup>17</sup> Had it not been for population-control and eugenic concerns—who knows?—Moody and his colleagues might have pioneered in pregnancy-aid centers instead of abortion referral.

Rev. Moody was an ex-Marine and World War II combat veteran who had political experience and brilliant tactical instincts. Dr. Bernard Nathanson, who in his pro-abortion days worked with Moody and admired him, described him as "a ruddy-faced, bluff Texan with a crew cut and a self-effacing country-boy style. He wore an ill-fitting black suit as if borrowed from the wardrobe trunk on the set of *Elmer Gantry* and had a good-old-boy's appreciation of all manner of sour-mash Bourbon." Moody was, Nathanson said, "undoubtedly the most deft and elusive puppet-master on the New York social-reform scene."<sup>18</sup>

An attorney advised Moody and his colleagues to operate openly, but very carefully, and never to admit that they were doing anything illegal. Thus CCS had no separate office, staff, or bank account. The pastors whom Moody recruited (or their churches) donated their labor. So CCS was able to operate on a shoestring and without charging any counseling fees. An answering machine at Moody's church directed women to call one of the pastors on duty and make an appointment for counseling. The in-person counseling sessions were often brief, because many women just wanted referrals. "I don't need the Sermon on the Mount, Reverend," one woman said. "I need an abortion." (Some women, though, wanted genuine counseling, and a few decided against abortion and were referred for help with alternatives.) The pastors made abortion referrals only to licensed physicians and only outside New York because, Moody and Carmen later explained, "having diverse jurisdictions involved would make it much more difficult to prosecute the clergy." CCS checked abortionists in a rudimentary way before referring women to them. The counselors also asked women to report on their experiences so problem doctors could be excluded from future referrals. Many women undoubtedly avoided severe injuries by relying on CCS rather than the back alley. But one, referred by a CCS counselor to England for an abortion, died as a result.

Moody wanted publicity for CCS, but didn't want to risk hostile questions at a press conference. So he gave an exclusive story to the religion editor of the *New York Times*, who obliged him with a "superb" front-page article that read like an unpaid advertisement. It even listed the CCS telephone number and the names and addresses of the 18 ministers and two rabbis Moody had recruited to help with counseling.<sup>19</sup>

There was a huge response to the story; Moody and his colleagues were soon overwhelmed with counseling and referral. But although each risked a \$1,000 fine and up to one year in prison, none was arrested or charged. Police and politicians aided them by benign neglect—partly because the clergy made referrals for policemen's wives and daughters and, as Moody revealed decades later, for some "wives of well-known elected officials."<sup>20</sup>

The New York CCS closed in mid-1970, when New York legalized abortion up to 24 weeks. By then, however, Moody had a national operation with CCS chapters in 20 states. He and Carmen estimated that all the affiliates "had referred perhaps 100,000 women" for abortions by that time. Chapters outside New York kept operating until abortion was legalized nationally in early 1973, so their clergy counselors were responsible for many more abortions before they closed down. Arlene Carmen said that 3,000 clergy were involved in the effort by the time it ended; they had been seeing around 100,000 women per year. It seems reasonable to estimate that all of the CCS chapters together were responsible for 330,000 or more abortions.<sup>21</sup>

*When the Roll Is Called Up Yonder . . . They'll Have a Lot of Explaining to Do*

What led 3,000 clergy to be involved in the deaths of huge numbers of unborn children? Rev. Robert Hare of Cleveland probably spoke for most when he said he was "horrified" that women fell into "the hands of back alley abortionists" or resorted to self-induced abortions that resulted in great injury or even in their deaths. His "concern as a pastoral counselor was that, if this was to be done, it be done with good, competent medical care." Lawrence Lader wrote that two New York clergymen were motivated by hard cases. The niece of one, after having had German measles during pregnancy, had a handicapped child who was "institutionalized for life." Another minister "had struggled with the pregnancy of a fifteen-year-old girl raped by her father." And many clergy counselors were university chaplains who were dealing with the results of the sexual revolution on campus.<sup>22</sup> They thought they were saving the reputations, education, and careers of many young women.

Although some clergy risked their pastoral careers by their involvement, others thought the experience could improve their job skills. Sociologist

Nanette Davis, studying Michigan clergy who did abortion referrals in 1971-72, reported that some “emphasized that they moved into this new counseling area to enhance their professional counseling skills, develop new community resources, [and] get needed experience with a range of problem clients.” And one undoubtedly represented many in saying that “I want to help girls who have no one else to turn to. Also, I feel the present laws favor the rich and discriminate against those without money and contacts.” Then came the clincher: “I think unwanted children are not desirable—to the girl, to society, and probably not even to themselves.”

It’s interesting to contrast this statement with that of the late Hispanic activist Grace Olivarez: “Many of us have experienced the sting of being ‘unwanted’ by certain segments of our society. . . . Human beings are not returnable items. . . . Those with power in our society cannot be allowed to ‘want’ and ‘unwant’ people at will.”<sup>23</sup> Her statement applies to those population controllers—and there have been many—who have decided to “unwant” Hispanics, African Americans, and other minorities. But it also applies to parents. Even parents who are young and poor have great power over their children, whether born or unborn. Pastors should tell them never to use that power to harm their children—and not to think of their children in terms of “wantedness,” but only with welcome and love. The clergy who referred for abortion were turning their backs on the Scriptural tradition of welcome, as well as specific Scriptural commandments against killing the innocent. Those who singled out unborn children with disabilities for “unwantedness” were also turning their backs on Christ’s concern for the sick and the disabled. He never suggested that they should not have been born; rather, he helped and healed them.

Clergy involved in abortion referral went through the usual dehumanizing of victims and distancing of self from the deadly deed. In their statement of purpose, the New York CCS clergy claimed that “there is a period during gestation when, although there may be *embryo* life in the fetus, there is no living *child* upon whom the crime of murder can be committed.” Besides being medically and logically incoherent, this statement failed to note which period of gestation they meant and where—if anywhere—they would draw a line. In fact, they wound up referring women for late abortions. Howard Moody and Arlene Carmen later wrote about “quality abortions” and “humane abortions.” In describing a D and C abortion, they referred to removal of the “products of conception.”<sup>24</sup>

The euphemisms and the distancing apparently enabled many clergy to participate without undergoing the theological worry, fear and trembling, and spiritual agony that one might have expected. While some developed



real qualms about the ethics of abortion, most soldiered on. In Michigan, according to Nanette Davis, instead of devoting *more* time to women considering second-trimester abortions, they often rushed “the woman to appropriate medical care, leaving the counseling to others.” After legalization of abortion in New York, they rushed some women to New York City, where saline abortions—killing the child by saline solution in the womb, followed by delivery of the dead child—were done “without the aid of any counseling.” Many women were “horrified” by the little bodies they delivered; for “no one had told them to expect this.” Moody and Carmen started getting reports from around the country about “bad psychological and emotional reactions” to saline abortions. Their response was not to question the ethics of such abortions but, rather, to call for realistic counseling and for an abortion method “more humane and satisfactory for the patient.” What they had in mind was the use of laminaria, general anesthesia, and dismemberment of the child within the womb.<sup>25</sup>

After the national legalization of abortion in 1973, Rev. Moody moved on to urge decriminalization of another social pathology: prostitution. He retired in 1992 and, in a 2003 interview at age 82, described himself as a “Christian agnostic.”<sup>26</sup>

Lawrence Lader, who co-founded the National Association for Repeal of Abortion Laws (NARAL) while the CCS venture was underway, was delighted with the clergy referral system he had suggested. He saw the New York CCS group as “a turning point in the campaign” for abortion, since it “brought the moral weight of prominent and outspoken clergymen behind the principle of referral.” Lader, like Moody, was a brilliant tactician who understood that “the cloth had dignity, authority, and sanctity that might dissuade a district attorney from investigation.” (Only two CCS clergy, both outside New York, were charged with aiding and abetting abortion. The resultant publicity probably helped the abortion cause rather than hurt it—and the two clergymen were never tried.) Lader also appreciated CCS as “a religious counterforce” to the Catholic Church, and he was delighted with the direct political impact some CCS clergy had. The Colorado group, he said, “like many others, quickly assumed a second function—an aggressive campaign for new laws that would guarantee abortion as an inalienable right.”<sup>27</sup>

No one should underestimate the impact the 3,000 clergy had on their churches, both during and after the CCS operation. Moody and a CCS colleague, for example, attended the 1968 convention of the American Baptist Convention (formerly called the Northern Baptist Convention). There they pushed through a resolution supporting legalization of abortion in the first trimester. According to Lader, an Episcopal priest who helped plan the New

York CCS later became Bishop of Southern Ohio. And Rev. William Holmes, a Methodist minister who did abortion referrals in Texas, eventually became the pastor of Supreme Court Justice Harry Blackmun in Washington, D.C. An ardent supporter of Blackmun's opinion in *Roe v. Wade*, Holmes encouraged the justice to stay the course. When Blackmun sent his pastor a letter from Catholic Bishop Justin A. Driscoll of Fargo, N.D., protesting *Roe v. Wade*, Holmes responded that Bishop Driscoll "wants to guard what he thinks is a form of human life, and in the process, his dogmatism and rigidity have the odor of death." Driscoll, he declared, "doesn't even know he has blood in his eye, and that his is the spirit that kills."<sup>28</sup>

This is what Howard Moody and his colleagues produced in the mainline Protestant churches. Did it ever occur to them that they might have been wrong in abandoning 2,000 years of Christian teaching and becoming accomplices in the deaths of so many unborn children? Or that, instead of what they did, they should have started pregnancy aid centers to offer non-violent alternatives? Apparently not. Their later reflections suggested, not guilt or remorse, but satisfaction with what they had done and a willingness to accept congratulations for their courage. Bernard Nathanson, years after his conversion to the anti-abortion side, conceded their courage but said, "I'm appalled that clergymen, of all people, would offer violence as the answer. In those days I thought they were wonderful. Today I think they were courageous and dedicated people who were deeply and terribly misled, and had not really thought it out."<sup>29</sup>

Moody and many of his CCS colleagues had been activists for civil rights and against the Vietnam War. But by their pro-abortion activism, they contributed to the corruption of the political Left—a subversion of its idealism and a shift from activists' concern about the downtrodden to obsessive concern about themselves and their "reproductive rights." Moody and his friends also contributed to the great decline in the Left's political power by helping to drive millions of their fellow Christians into the arms of Ronald Reagan and his successors. Thus they helped bring about domestic, foreign, and military policies they themselves abhor.

#### **Were You There When the Sun Refused to Shine?**

The clergy referral operations started by Howard Moody and others were such frugal ventures that they required relatively little financial aid. Abortion-supporting philanthropists such as Beatrice McClintock, Stewart Mott and Joseph Sunnen were happy to supply it.<sup>30</sup>

A far more powerful philanthropist and population controller, John D. Rockefeller 3rd, supported another key effort to promote abortion within the

mainline Protestant churches. Like his fellow population controller, Hugh Moore, Rockefeller understood the great opportunity offered by the population-control program of the United Methodist Church. Rodney Shaw, the energetic head of that department, was using it to promote abortion. In 1972 Rockefeller gave the Methodists \$10,000 to support an effort to legalize abortion in Michigan through a November referendum; that effort failed, but it was followed in a few months by *Roe v. Wade*. When anti-abortion forces in general—and the Catholic Church in particular—campaigns to overturn *Roe*, Rodney Shaw and others responded by forming the Religious Coalition for Abortion Rights (RCAR). Started in 1973, RCAR included as members many Protestant and Jewish groups and had its own board. Legally speaking, however, it was part of a Methodist agency until 1981, when it became a separate corporation. Based in Washington, D.C., for many years it operated from the Methodist Building on Capitol Hill—a location quite convenient for lobbying. Rockefeller gave \$115,000 to RCAR in its crucial early years of 1973-77.<sup>31</sup> While it may not seem that large today, \$115,000 was real money at the time.

Veterans of the clergy referral services started many RCAR state chapters.<sup>32</sup> All was not smooth sailing at the national level, though. “It has been unexpectedly difficult to get this religious coalition on the road,” Rodney Shaw told a Rockefeller associate in the fall of 1973. He added: “It seems that the ‘right-to-life’ idea has made some inroads in the constituency of the Protestant groups.” Abortion sympathizers on churches’ national staffs had to “spend a frustratingly large amount of time in working out statements and agreements that give them a solid working base and that will protect their flanks.”<sup>33</sup> Shaw was able to get his new ship out of port, but he thought the formidable fleet of the Catholic Church was blocking abortion forces in general. In 1977 he wrote Rockefeller that “there is no way the struggle for abortion rights can be won until the Catholic Bishops are induced to pull back.” Shaw was ready to play hardball: “Such a pullback will probably take place only if the bishops are made to feel that the price of continuing will be a serious wrenching of the ecumenical relations they have so carefully built up with the Protestants, plus a revival of the anti-catholicism [*sic*] that lies just below the surface of this country.”<sup>34</sup>

Ah, well, why not stir up some old-fashioned bigotry to help the cause along? It’s too bad that Shaw’s letter to Rockefeller didn’t become public at the time. *That* certainly would have wrenched ecumenical relations, though not in quite the way Shaw wanted.

RCAR, which is now called the Religious Coalition for Reproductive Choice or RCRC, has never been a major player in abortion politics on the

scale of NARAL or Planned Parenthood or, for that matter, the Catholic Church. But especially when Shaw was involved, the Coalition encouraged resentment of the Catholic bishops and their Church. And for 30 years—through press conferences, congressional testimony, literature, and demonstrations—the Coalition has placed a religious seal of approval on abortion. Its supporters and activists have pacified consciences that should be troubled—not least the consciences of many politicians. Rev. J. Philip Wogaman, for example, wrote an early pamphlet for the Coalition when he was dean and ethics professor at a Methodist seminary in Washington, D.C. Years later, he was pastor of Washington's Foundry United Methodist Church, whose powerful attendees included President Bill Clinton and his wife, Hillary Rodham Clinton. A Southern Baptist, Clinton undoubtedly found Wogaman's abortion views more to his liking than the views of most Southern Baptist pastors. Mrs. Clinton, now Sen. Clinton (D.-N.Y.), is a committed and life-long Methodist.<sup>35</sup>

If the Clintons' consciences were at all bothered by the horrific practice of D & X or "partial birth" abortion, the president still managed to veto two federal bills to ban it. The Religious Coalition for Reproductive Choice sponsored a letter to the president from "mainstream religious leaders," including Rev. Wogaman, supporting the veto of the 1996 bill. They thanked him for his "leadership, courage, and compassion."<sup>36</sup>

Foundations noted for their support of population control have long funded the Coalition. In fact, most of its money comes from foundations—not from people in the pews. A recent annual report listed donors including the Ford Foundation, General Services Foundation, George Gund Foundation, Huber Foundation, David and Lucile Packard Foundation, and about 20 other foundations. What do they get for their money? A Clergy for Choice Network. A Black Church Initiative and a Latino initiative. Spiritual Youth for Reproductive Freedom. Seminarians for Choice. And a website offering a prayer for women's health-care providers—specifically including those "who support women through abortion services"—that ends with this: "Help us, Gracious God, to stand together with these courageous and caring people who continue to do your holy work. Amen."<sup>37</sup>

#### **Pro-Life Methodists: Climbing Jacob's Ladder**

Many pastors and lay people, dismayed by support for abortion in their mainline-Protestant churches, have worked for decades to return those churches to the pro-life tradition. Some, but not all, are evangelicals; that is, they stress the importance of a conversion experience, a personal relationship with Jesus Christ, and a sharing of their faith with others. Operating

with small budgets, small staffs and dedicated volunteers, the pro-lifers have stayed with the effort despite much discouragement. They run educational and alternatives programs, observe a “Sanctity of Human Life Sunday” in January, and try to change their churches’ policy statements on abortion. On Jacob’s ladder to heaven, as the old spiritual says, “every rung goes higher, higher”; but at times the space between rungs has seemed impossible for pro-lifers on the mainline. Yet they see real progress, and hope for more.

Within the eight-million-member United Methodist Church, the church of Senator Clinton and the late Justice Blackmun, the struggle has been especially difficult. Strong support for abortion “choice” within the church bureaucracy, and among many bishops, makes this an uphill battle. Rev. Paul T. Stallsworth, a North Carolina pastor, heads the Taskforce of United Methodists on Abortion and Sexuality, the Methodist pro-life group. The group is also known as Lifewatch, the name that will be used here. It operates on a shoestring, with an annual budget of about \$30,000 contributed by individuals, congregations, and “a couple of gifts from foundations,” Stallsworth said. Its mission, he remarked, includes giving a pro-life message to “those who need to hear it but don’t especially want to.” He has had a sharp debate, for example, with a Methodist agency about its sponsorship of the 2004 March for Women’s Lives—a pro-abortion march—in Washington, D.C.

A General Conference of the United Methodist Church, composed of both clerical and lay delegates, meets every four years to revise the church’s policy statements. Lifewatch is always there to push the conference toward a pro-life position. And every four years, Stallsworth said, “we end up with a marginally more pro-life statement than before.” Yet they still have a long way to go. In 1970, a General Conference special session passed a resolution on the “population crisis” that supported legalization of abortion. The 1972 and subsequent General Conferences used a term that seems odd for Christians: “unacceptable pregnancy.” Things went from bad to worse until 1988, when a General Conference finally set two limits: “We cannot affirm abortion as an acceptable means of birth control, and we unconditionally reject it as a means of gender selection.” The 2000 General Conference opposed partial-birth abortion except in rare circumstances. But in another statement, it called “all Christians to a searching and prayerful inquiry into the sorts of conditions that may warrant abortion.”<sup>38</sup>

Lifewatch administrator Cindy Evans attended the 2004 General Conference, where she submitted a resolution calling for “Ministry to Those Who Regret a Past Abortion.” Because she was not a delegate, someone had to ask for suspension of the rules so she could speak to the committee that

considered the resolution. The committee would not let her speak. But then another woman, who *was* a delegate, told the committee about the pain she and her husband still experienced every day because of her abortion many years earlier. An amended version of the Evans resolution soon sailed through the committee and passed the General Conference by an 835-26 vote. "God is so good," Evans concluded, "and His providential work is so surprising."<sup>39</sup>

Two United Methodist Church agencies belong to the Religious Coalition for Reproductive Choice. A 1992 effort to end their participation failed by just 37 votes,<sup>40</sup> and Stallsworth believes that "in time we will dislodge" from RCRC. "I don't think there's any question about that," he added. "It's just a question of how soon." He also noted that "there are important United Methodist theologians, professors, who are pro-life . . . And this is throughout the United Methodist seminary system." Methodist theologian Michael J. Gorman co-authored an excellent critique of RCRC that pro-lifers in other churches, as well as his own, are using in efforts to press church agencies to leave RCRC. And Rev. Stallsworth has been quite active in ecumenical efforts, including the editing of several interfaith pro-life books. The *Lifewatch* newsletter that he edits also reflects an ecumenical spirit, as when it said the late Cardinal John O'Connor was dedicated to the dignity of each human life "in a glorious way."<sup>41</sup>

#### **Presbyterians Pro-Life: We Will Stand the Storm**

The Scriptures, John Calvin's clear position, and a history of Presbyterian opposition to abortion were not enough to prevent a sharp change of course in the United States in 1970, when many Presbyterians went with the secular culture instead of their tradition. In that year, one major U.S. Presbyterian denomination said that abortion "may on occasion be morally justifiable," and the other said it "should not be restricted by law." In 1983 the two merged to form the Presbyterian Church (USA), which currently has over three million members. Also in 1983, the new church issued what Rev. Benjamin Sheldon has called "probably the most pro-abortion policy statement of any of the major denominations." It led to public advocacy and lobbying on behalf of abortion, including church involvement in what is now called the RCRC.

Rev. Sheldon, now retired, has been active in the struggle against abortion for decades. In 1965, when he was pastor of a Presbyterian congregation in Washington, D.C., he preached one day about alcohol abuse. Afterwards a woman in the congregation asked him, "When are you going to say anything about abortion?" On the following Sunday, she gave him an envelope of clippings from the *New York Times* about efforts to overturn

anti-abortion laws. That was a real wake-up call, and he began preaching against abortion. When the 1973 *Roe* decision ignited a huge national battle, “we were ready.”<sup>42</sup>

As the longtime president of Presbyterians Pro-Life (PPL), Rev. Sheldon led many efforts within the church’s annual General Assembly to change the abortion policy. Those efforts continue under the current president, Rev. Dr. Donald A. Elliott. PPL does careful advance planning, has an exhibit table at the Assembly, and sponsors a major speaker near the Assembly’s meeting place. Past speakers have included non-Presbyterians such as the late Cardinal O’Connor and the Orthodox writer Frederica Mathewes-Green. In the late 1980s, PPL hosted a talk by the late Mother Teresa—and the Assembly approved a study of the church’s abortion stance. That resulted in a 1992 policy that said abortion can be “morally acceptable” in hard cases, but declared that “the strong Christian presumption is that since all life is precious to God, we are to preserve and protect it. Abortion ought to be an option of last resort.” Yet the 1992 Assembly also opposed any limit on access to abortion, and it supported public funding for abortions for poor women.<sup>43</sup>

There was another defeat for pro-lifers in 2004, when the General Assembly refused to adopt a committee proposal of opposition to late-term abortion. But the committee proposal lost by only four votes. And the Assembly defeated an effort to support the United Nations Population Fund, which has been involved in abortion. It also rejected a proposal to support easier access to the “morning after pill.”<sup>44</sup> Terry Schlossberg, then executive director of Presbyterians Pro-Life, called the wins “remarkable” and was especially encouraged that so many church youth “voted with us” against late-term abortion. Assembly participants used to have a default position in favor of the church establishment; but now, she said, “I don’t think people are as willing to say, ‘My church, right or wrong’ anymore.” She is also happy that many Presbyterians are active in crisis-pregnancy-center (CPC) work. “There is,” she said, “a *huge* amount of that. . . . There are lots of Presbyterians who have started CPCs, who are directors of CPCs, who do the medical work at CPCs, and so on.”

Presbyterians Pro-Life has an annual budget of about \$200,000—with contributions from churches, a few large donors, and many small ones—and just one full-time staff member. There haven’t been enough resources, Schlossberg said, “to support very many chapters”; she estimated there are fewer than 50 active chapters now. “And we recognize the difficulties there,” she added, “because when a chapter forms, it’s immediately a counter-cultural group in the church. It’s facing an uphill battle.” But national groups do not depend on chapters alone; in fact, some find that major emphasis on

chapter-building distracts them from more important work. In addition to its strong Assembly presence, PPL has developed an impressive list of educational resources for Presbyterians: pamphlets, essays, a book, videotapes, a Bible study guide. It offers materials on adoption, a curriculum on Biblical teaching about sex called *Pure Hearts! Pure Lives!*, a pro-life curriculum for adult education, and more. It's clear that PPL is in the struggle for the duration.

**NOEL: Someone's Crying, Lord**

Trying to recall their church to its historic pro-life position, several Episcopalians launched NOEL in 1983. ("NOEL" originally stood for National Organization of Episcopalians for Life, but the group has dropped the longer title.) The founders faced an Episcopal Church policy that had strayed far from the position of the Anglican Communion's 1930 Lambeth Conference, which expressed "abhorrence of the sinful practice of abortion." When NOEL began, the Episcopal Church in the U.S. permitted abortion for hard cases, opposed it "for convenience," yet opposed *any* effort to restrict abortion by law. While obtaining some verbal concessions to the pro-life side, NOEL has not been able to change the church's adamant pro-legalization policy. Then-Presidenting Bishop Edmond L. Browning signed the same letter to President Clinton, supporting his partial-birth veto, that Clinton's pastor signed.<sup>45</sup>

The Episcopal Church has over two million members in the U.S. NOEL, operating with a budget of roughly \$200,000, has two full-time staff members and about 55 chapters around the country. President Georgette Forney remarked that "one of the things we really encourage the chapters to do is to adopt a pregnancy care center." This may involve providing funding and volunteers, and running baby-formula drives and diaper drives. Usually a chapter adopts a center that's already in existence, although several chapter leaders tried to start centers, Forney said. Some were successful, while others "walked away a little wounded from the process."

As an abortion survivor, one who suffered greatly from an abortion done when she was only 16, Forney has been outspoken about her own experience and has encouraged other women to speak out. She and Janet Morana of the Catholic group Priests for Life co-founded the Silent No More Awareness Campaign, which is best known for its "I Regret My Abortion" demonstrations and billboards. According to the campaign's website, the founders "wanted to show that NOW and NARAL do not represent all women on this issue." They also wanted to tell women who suffer from post-abortion grief and guilt that many programs and resources can help them. One woman who admired their work remarked that abortion "truly stops a beating heart,"



then added, “and breaks many others.”<sup>46</sup>

NOEL, Forney said, has “not tried to change” the Episcopal Church’s “stance on abortion that we kind of hammered out with them in 1994.” That was at the triennial meeting of the church’s policy-making body, the General Convention. Although acknowledging that women have a legal right to abortion, the General Convention said the right “should be used only in extreme situations.” But while including other language attractive to pro-lifers, the resolution’s bottom line was similar to previous General Convention statements: It expressed “unequivocal opposition” to any governmental interference with women’s access to abortion. NOEL would be doing quite well if some day it could persuade the General Convention to be *neutral* on the legalization question—to say nothing about it and simply focus on the ethical and pastoral issues.

Pro-lifers have been successful in passing several General Convention resolutions on the margins: commending pregnancy-care centers; acknowledging “post-abortion stress” and calling for “pastoral care directed at the healing process”; affirming adoption; and calling for liturgies “that respond to the pastoral needs of women and men who have experienced” abortion and other trauma related to childbearing. But abortion supporters within the General Convention usually are able to water down even such pastoral statements. And the 2003 General Convention passed a resolution supporting embryonic stem-cell research.<sup>47</sup>

Forney noted that when pro-lifers focus on “making abortion illegal, we inevitably raise hackles and cause people to have to get into a political discussion. But if we talk about the needs of women, and what drives a woman to feel abortion is her only option, it puts a face on the problem.” She added that when people are given “the opportunity to help protect a life, they’ll stand up for it. Who cares what label they wear? . . . My goal isn’t to get people to change their label as much as it is to change their heart.” She tries to influence church policy through her service with an official Episcopal group that meets between General Conventions to consider national concerns. Recently she raised there the issue of the church’s involvement in the RCRC. Two church agencies and two affiliated caucuses belong to RCRC—and NOEL wants all of them to leave.

NOEL also has a longstanding concern about euthanasia and other end-of-life issues. In the national-concerns group, Forney has brought up “the whole topic of the futile care theory . . . in which you have hospitals deciding what level of care they’re going to provide, regardless of a family’s wishes or a patient’s wishes.” A doctor and nurse in the group were “appalled” to hear about this and decided to do research on it.

With enormous patience and persistence, Forney and her colleagues keep pressing their church to resist the death wish of today's culture. Like other pro-lifers in the mainline churches, they are in the struggle for the long haul.

**UCC Friends for Life: Amazing Grace**

Rev. John Brown, the veteran leader of United Church of Christ Friends for Life, has no illusions about the uphill nature of his work. His church, which is the result of several mergers and claims over one million members, traces its heritage in large part to New England's old Congregational churches and ultimately to the Puritans. Straying far from that tradition, it has long supported legalized abortion. Brown, associate pastor of a Pennsylvania church, once told a pro-life audience, "I won't ask whether there's anyone here from the United Church of Christ; because usually the only way I can assure that there is one is to bring my wife or one of my children."<sup>48</sup>

Speaking at the 2004 National Right to Life Convention, he acknowledged that his work has become even harder. UCC local churches have so much autonomy, he said, that a congregation can decide to leave the denomination through a simple vote. "And hundreds of them have done so, increasingly in the last 20 years," and the abortion issue is one that has "driven many people out." The many departures mean that "we have nowhere near the number of people involved in pro-life ministries and so forth that we had 15 years ago." Over half the board of directors of Friends for Life "have left the denomination themselves."<sup>49</sup>

In an interview, Rev. Brown said his group does "largely educational work" and does not have chapters. It has a literature display table at the UCC General Synod, which meets every two years, and has done workshops there. It has pursued resolutions dealing with abortion and euthanasia at levels up to and including the General Synod, but has never won. In fact, it has lost by greater margins in recent years.

The situation is not as bleak, however, as it may seem at first glance. Because UCC local congregations have so much autonomy, the pro-life ones can have full programs with no interference from above. At his own church, Rev. Brown has an outstanding program—one that might shame many pastors of churches that are officially pro-life but rarely *do* anything about it. His church raises money for local pregnancy-care centers, invites pro-life leaders in for talks, and sends people to the annual March for Life in Washington. They joined people from other churches in protests at an area hospital, prompting it to quit doing abortions. Just after 9/11, Brown told the National Right to Life workshop, the church had a special evening class "tying together abortion, euthanasia, the Holocaust, and terrorism." The students took

field trips to the Holocaust Memorial Museum in Washington, D.C., and to Ground Zero in New York City. The program, said Brown, “helped them to see that there have been many assaults on human life and dignity in the last century” and that “we need to be alert to them all.”

Near its cemetery, in an area surrounded by dogwood trees and flowers, the church placed a memorial to stillborn and aborted children. Calling it “a place for reflection and prayer,” Brown said it received “a tremendous response from people in our congregation.” Brown has counseled people, from his own and other churches, who are trying to deal with guilt from past abortions. One was an elderly man who had done abortions in the 1940s and had even “aborted one of his own children.” Brown’s church also sponsors special days of prayer “for pro-life issues, for those hurt by abortion, for those who oppose us.”<sup>50</sup>

#### Lutherans for Life: Here We Stand

Martin Luther, it is safe to say, would be surprised and displeased by the abortion policy of the Evangelical Lutheran Church in America (ELCA). He might even be moved to protest by nailing, say, 95 theses to an ELCA church door.

With about five million members, ELCA is the largest of several Lutheran denominations in the U.S. While its abortion statement is by no means the worst on the Protestant mainline, much of it reads as though written by a committee of social workers or compromising politicians. It says abortion should be only a last-resort option, and it encourages alternatives including adoption. But it approves abortion in several hard cases, without offering much in the way of theological reasoning, and says there should be public funding for poor women’s abortions in such cases. It opposes laws “primarily intended to harass those contemplating or deciding for an abortion.” Does this mean parental-consent laws? Spousal-consultation laws? Well, not necessarily; “further deliberation” is needed on such issues. Toward the end of the lengthy statement, we find that the church supports “those who bear children, as well as those who choose not to do so.”<sup>51</sup> It’s hard to believe that such a wishy-washy statement could come from a church claiming to follow the formidable Martin Luther.

Many Lutherans, including ones within ELCA itself, are not happy with the church’s position. Another Lutheran denomination—the Lutheran Church, Missouri Synod, with two-and-one-half million members—is strongly on the pro-life side. So is the Wisconsin Evangelical Lutheran Synod, with about 400,000 members. Both churches are national in scope; their names just indicate where they started.

Lutherans for Life (LFL), founded in the late 1970s,<sup>52</sup> serves all pro-life Lutherans but receives most of its support from Missouri Synod members. But Rev. Dr. James Lamb, a Missouri Synod pastor who is LFL's executive director, emphasized in an interview that "many ELCA pastors and congregations" use LFL materials. Lutherans for Life has assisted some past, unsuccessful efforts to change the official ELCA policy on abortion. The Wisconsin Synod has its own pro-life group; Lamb said he knows its executive director well and that "we cooperate often on projects."

Lamb heads a staff of seven and oversees an annual budget in the range of \$500,000. In addition to its 150 chapters, LFL has 745 Life Ministry Coordinators who serve as LFL contacts in congregations that have no chapters. While LFL is definitely a national group, Lamb noted that it is "strongest, probably, in the Midwest simply because of the concentration of Lutherans in the Midwest." He and his staff have developed an impressive list of resources including newsletters, brochures, videos, manuals, and church-bulletin inserts. A bulletin insert for Christmas tells the story of a little Down Syndrome boy who played the innkeeper when his kindergarten class performed a Christmas play. When Joseph and Mary knocked on his door, he was supposed to say, "No room. No room." Instead, he threw the door wide open and said, "Come on in. I've been waiting for you."<sup>53</sup>

Lutherans for Life programs include a "Healing Hearts" post-abortion ministry. There is also a one-day leadership-training seminar to prepare LFL activists "for something that most people don't like to do: speak in public."<sup>54</sup> And there's a Campus Life Project, an educational program that focuses mainly on Lutheran colleges. It sends a small team, usually led by Lamb, onto a campus to preach in the chapel, give evening seminars, perhaps speak to an ethics class. "We'll do as much as we can in a couple of days on a campus," Lamb remarked. It sounds like something more pro-life groups should do. Lamb also speaks to graduating classes of Lutheran seminaries and presents to each member a resource manual on life issues. If the graduates "want a Bible study on euthanasia," he said, "they can find one in there. If they want some information on stem-cell research, it's there at their fingertips." In his talks to seminarians, he urges them to deal with life issues "in their congregations and in their Bible studies and from the pulpit." Martin Luther, one suspects, would heartily approve.

#### **We Gather Together to Ask the Lord's Blessing**

Most pro-life groups within the Protestant mainline—and several outside it—work together through an ecumenical group called the National Pro-Life Religious Council. This was started in the 1980s, after Candace Mueller,

then a lobbyist for the Lutheran Church, Missouri Synod, noticed that the pro-life religious groups were “not talking to each other.” She mentioned this to Ernest Ohlhoff, who then headed one of the Catholic pro-life groups, and he responded, “Well, let’s do something about it.” So, he recalled in an interview, they had a meeting where “we brought ’em all together.”

Originally, the thought was to open the Council to non-Christian members; but some participants insisted on “a Christian coalition which acknowledges Jesus Christ as Lord and Savior,” and the group adopted that description.<sup>55</sup> The differences among Christian churches alone made the venture uphill at first. But each participant eventually realized that “nobody else has horns,” Ohlhoff remarked, and “they work as a team now.” Ohlhoff, currently outreach director of the National Right to Life Committee, said that National Right to Life helps the Council put out its newsletter. But he noted that the Council is separately incorporated and “functions as an independent organization,” raising its own money, mainly in dues from member groups.<sup>56</sup>

The Council has sponsored several books, including one of pro-life sermons that encourages pastors to address life issues from the pulpit. Edited by Rev. Stallsworth, the Methodist pro-life leader, and called *The Right Choice*, the book offers many insights and helpful approaches. Rev. Dr. Elizabeth Achtemeier, the late Presbyterian scholar, noted in an introductory chapter that preachers, after all, still must preach about sin. She cited the case of a woman, troubled by an abortion, who spoke with a counselor and with friends about it, “but they only made excuses for her act and left her burdened with guilt.” Finally she spoke with a pastor. “‘You have done wrong,’ he said to her, to which she replied in relief and tears, ‘*That’s* what I wanted to hear!’ At that point, repentance took place, and she could receive the forgiveness of the gospel.”

In the same book, Lutheran Pastor Paul M. Clark gives an excellent description of abortion: “death deceitfully parading around as an answer to a human problem.” Rev. Edward Fehskens, another Lutheran, emphasizes men’s role, suggesting that most women “who choose abortion would choose otherwise—if men would stand by them and give them a viable alternative, if men would stand steady and take responsibility for their behavior, if men would stand true and shoulder the obligations of fatherhood.”<sup>57</sup> To which many women might shout a resounding “Amen.” The Fehskens approach can solve a problem common to all churches: that pastors avoid preaching on abortion because they don’t want women to feel they are being singled out for condemnation. If preachers speak about male responsibility, and if they address the *couple* rather than the *woman*, they are more likely to be heard.

Ernest Ohlhoff often recommends setting up a meeting with a reluctant pastor and including “one or two women who’ve had abortions.” The women, he said, are likely to express regret that “I never heard in church that I shouldn’t have an abortion.” The group can explain to the pastor that “there’s a way of talking about abortion that is not condemnatory” of the persons involved and that emphasizes “healing and reconciliation.” (Ohlhoff has other advice for those who want to prod their church’s pastor into activism. He suggests finding people “who make that church work”—such as those who do music or youth ministry, fund-raising, or food drives for poor people—and having them take part in a meeting with the pastor. It is difficult for a pastor to say no to people he relies on so much.)<sup>58</sup>

In mainline Protestant churches, where there are many women clergy, recruiting more of them to be active in pro-life work is another way to reach people in the pews. Terry Schlossberg of Presbyterians Pro-life remarked that Rev. Dr. Achtemeier “had a *huge* impact on this denomination by being willing to state her convictions on abortion.” And Schlossberg said there are some “strong, very capable, orthodox women coming out of our seminaries,” including ones who are actively pro-life.

Finally, there is room for preaching that is solidly pro-life without even mentioning the A-word. When speaking about the Christmas story and “no room at the inn,” pastors can talk about the wonder and joy of children and the need to welcome *all* of them. (“Unwanted” children? Well, didn’t King Herod “unwant” the Christ Child?) In prayers of petition, they can mention “unborn children and their parents.” They can speak about the special welcome of adoption. They can preach eloquently through example: volunteering at a pregnancy-care center; doing sidewalk counseling at an abortion clinic; making their churches fully accessible and welcoming to people with disabilities; doing respite care to help families with members who are elderly and frail or severely disabled. Good example is still the most powerful kind of preaching.

#### **With My Face to the Rising Sun**

Conrad Richter’s novel *A Simple Honorable Man* describes the life of a Lutheran pastor who works among the poor. Praying with and for one family, the pastor uses a familiar petition for a holy end of life: “When the fever of life is over and our labor done, then in thy great mercy grant us safe lodgings and a holy rest, and peace at the last . . .” Then he adds: “but if our toil remains and our life abides, call us up at the rising of the sun with morning faces and morning hearts.”<sup>59</sup>

Those who defend life within the churches do so with morning hearts.

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NOTES

*Where quotations are not cited to notes, they are from one of the following telephone interviews by the author:*

*John Brown, United Church of Christ Friends for Life, 13 Jan. 2005*

*Georgette Forney, NOEL, 2 Oct. 2004 & 11 Jan. 2005*

*James Lamb, Lutherans for Life, 29 Dec. 2004 & 14 Jan. 2005*

*Ernest Ohlhoff, National Right to Life Committee, 17 Dec. 2004 & 28 Feb. 2005*

*Terry Schlossberg, Presbyterians Pro-Life, 28 Sept. 2004*

*Paul T. Stallsworth, Lifewatch, 7 Oct. 2004*

1. Karen Cross, remarks in workshop on "Religious Outreach," National Right to Life Convention, Crystal City, Va., 3 July 2004, tape recording.
2. Dennis Di Mauro, remarks in workshops on "We Are the Sheep . . . Where Are the Shepherds?" and "Increasing Local Pro-Life Effectiveness in Pro-Life Religious Denominations," National Right to Life Convention, Crystal City, Va., 1 July 2004, tape recordings.
3. Frank Pavone, remarks in *ibid.*
4. Scripture quotations in this article are from the New American Bible. For more about the Scriptures on abortion, see Mary Meehan, "Theologians and Abortion: Not Their Finest Hour," *Human Life Review* 12, no. 4 (Fall 1986), 53-56, with many citations in nn. 20-27, pp. 70-71.
5. John T. Noonan Jr., "An Almost Absolute Value in History," in John T. Noonan Jr., ed., *The Morality of Abortion: Legal and Historical Perspectives* (Cambridge: Harvard University Press, 1970), 8-10; Michael J. Gorman, *Abortion & the Early Church* (New York: Paulist Press, 1982), 48, citing Galatians 5:20 and Revelation 9:21, 18:23, 21:8 & 22:15. Noonan, p. 8, n. 17, says the word *pharmakeia* "is regularly mistranslated as 'sorcery' or 'witchcraft' in English Bibles."
6. Gorman (n. 5), 49, 55, 52-53, 72 & 34-37; Meehan (n. 4), 58-63; and Vatican Council II, "Pastoral Constitution on the Church in the Modern World," pt. 2, ch. 1, no. 51, in Walter M. Abbott, S.J., ed., *The Documents of Vatican II* (New York: Guild Press/America Press, 1966), 256.
7. Martin Luther, "Lectures on Genesis," ch. 25, *Luther's Works*, ed. by Jaroslav Pelikan and Helmut T. Lehmann (St. Louis: Concordia Publishing House and Philadelphia: Muhlenberg Press/Fortress Press, 1958-86), vol. 4, 304.
8. John Calvin, *Commentaries on the Four Last Books of Moses* (Grand Rapids, Mich.: Wm. B. Eerdmans, 1950), vol. 3, 42; Karl Barth, *Church Dogmatics* (Edinburgh: T. & T. Clark, 1961), vol. 3, 415-423; and Dietrich Bonhoeffer, *Ethics* (New York: Macmillan, 1955), 131, n. 1.
9. Marvin Olasky, *Abortion Rites: A Social History of Abortion in America* (Wheaton, Ill.: Crossway/Good News, 1992), 161-165, 199-217, 131-148 & 298-299.
10. *Ibid.*, 35. See Germain Grisez, *Abortion: the Myths, the Realities, and the Arguments* (New York: Corpus Books, 1970), 111-116, on the successful strategy of claiming (falsely) that pregnancy begins at implantation rather than fertilization in order to make the IUD acceptable to the public.
11. St. John Chrysostom, "Homily 26 on First Corinthians," in Philip Schaff, ed., *A Select Library of the Nicene and Post-Nicene Fathers of the Christian Church* (Grand Rapids, Mich.: Wm. B. Eerdmans, 1956), vol. 12, 153-155.
12. Martin Luther, "Lectures on 1 Timothy," ch. 2, in Luther (n. 7), vol. 28, 279. See Roland H. Bainton, *Here I Stand: A Life of Martin Luther* (New York: Abingdon Press, 1950), 286-304, for an account of Luther's home life. He and his wife Katherine brought up their own six children as well as four orphans of relatives.
13. Kenneth L. Woodward, "Dead End for the Mainline?" *Newsweek*, 9 Aug. 1993, 46-48; Peter W. Williams, *America's Religions* (Urbana, Ill.: University of Illinois Press, 2002), 355-375; Thomas C. Reeves, *The Empty Church* (New York: Free Press, 1996); and *Yearbook of American & Canadian Churches 2004* (Nashville: Abingdon Press, 2004), 11. The mainline Protestant churches are sometimes called the "Seven Sisters." Taking account of several church mergers

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- in recent decades, I use the term “mainline” to include: American Baptist Churches in the U.S.A.; Disciples of Christ; Episcopal Church; Evangelical Lutheran Church in America; Presbyterian Church (USA); United Church of Christ; and United Methodist Church.
14. Elizabeth Achtemeier, “Speaking the Unspeakable: A Demonstration,” in Paul T. Stallsworth, ed., *The Right Choice* (Nashville: Abingdon Press, 1997), 24.
  15. Joseph Fletcher, *Situation Ethics: The New Morality* (Philadelphia: Westminster Press, 1966); and Peter Steinfels, “Dr. Joseph F. Fletcher, 86, Dies; Pioneer in Field of Medical Ethics,” *New York Times*, 30 Oct. 1991, D-25. Fletcher was once a member of the American Eugenics Society; see *Eugenics Quarterly* 3, no. 4 (Dec. 1956), 243-244.
  16. Christine Rosen, *Preaching Eugenics* (New York: Oxford University Press, 2004).
  17. Lawrence Lader, *Abortion II: Making the Revolution* (Boston: Beacon Press, 1974), 24-26, 42-50 & 217-221; and Arlene Carmen and Howard Moody, *Abortion Counseling and Social Change* (Valley Forge, Pa.: Judson Press, 1973), 21, 100 & 30. “Clergymen’s” in the group’s title was later changed to “Clergy”; according to Carmen and Moody, p. 24, at least one woman minister was involved in the New York City group.
  18. Bernard N. Nathanson with Richard N. Ostling, *Aborting America* (Garden City, N.Y.: Doubleday, 1979), 42-43.
  19. Carmen and Moody (n. 17), 25-26, 28, 40-43, 64-65 & 34; Lader (n. 17), 43; and Edward B. Fiske, “Clergymen Offer Abortion Advice,” *New York Times*, 22 May 1967, 1 & 36.
  20. Carmen and Moody (n. 17), 40 & 36; and Ed Gold, “Rev. Howard Moody Reflects on 50 Years of Activism,” *The Villager*, 24-30 Dec. 2003, www.thevillager.com, accessed 29 Sept. 2004.
  21. Carmen and Moody (n. 17), 83, 66 & 75; and Arlene Carmen, Interview by Ellen Chesler for Schlesinger-Rockefeller Oral History Project, Jan. 1976, Transcript, 13 & 21, Schlesinger Library, Radcliffe College, Cambridge, Mass. (The author referred to a copy of the transcript at the Oral History Research Office, Butler Library, Columbia University, New York, N.Y.) Some CCS chapters used variations of the CCS name. The estimate of 330,000 abortions is conservative, assuming that numbers outside New York remained the same and subtracting—for the last two-and-one-half years—the 10,000 women per year the New York group was seeing (according to Carmen’s estimate) before it closed. In fact, the numbers outside New York probably increased as the drive to legalize abortion won more media and judicial support.
  22. Robert Hare, interview in Ellen Messer and Kathryn E. May, *Back Rooms: Voices from the Illegal Abortion Era* (New York: St. Martin’s Press, 1988; reprint, Buffalo: Prometheus Books, 1994), 213-224, 213-215; and Lader (n. 17), 74-76 & 44. Rev. Hare, a Presbyterian minister in Cleveland, was indicted for aiding and abetting an abortion in Massachusetts, but was never tried. For examples of college chaplains who made abortion referrals, see Cynthia Gorney, *Articles of Faith: A Frontline History of the Abortion Wars* (New York: Simon & Schuster, 1998), 29-31 & 68-69.
  23. Nanette J. Davis, *From Crime to Choice: The Transformation of Abortion in America* (Westport, Conn.: Greenwood Press, 1985), 135, 133 & 132; and Grace Olivarez, “Separate Statement of Grace Olivarez,” in U.S. Commission on Population Growth and the American Future, *Population and the American Future* (Washington: U.S. Government Printing Office, 1972), 161.
  24. Carmen and Moody (n. 17), 30, 74, 75 & 24-25.
  25. Davis (n. 23), 137-138; and Carmen and Moody (n. 17), 93-96.
  26. Nathanson (n. 18), 42; and Gold (n. 20).
  27. Lader (n. 17), 43, 74-78, 43 & 49; and Carmen and Moody (n. 17), 55-56.
  28. Gorney (n. 22), 72; Lader (n. 17), 44; Mary Meehan, “Justice Blackmun and the Little People,” *Human Life Review* 30, no. 3 (Summer 2004), 97-98, 111 & 117; Harry A. Blackmun to [William A. Holmes], 16 May 1983, with copy of letter from Justin A. Driscoll to Harry Blackmun, 11 May 1983, Harry A. Blackmun Papers, box 1530, folder 6, Library of Congress, Washington, D.C.; and William A. Holmes to [Harry A. Blackmun], 1 June 1983, *ibid.*, box 1460, folder 13, *ibid.*
  29. Quoted in Cynthia Gorney, “An Abortionist Reconsiders,” *Washington Post*, 27 April 1989, B-2.
  30. Carmen Interview (n. 21), 50-53; and Gorney (n. 22), 221-223.
  31. David K. Lelewer to John D. Rockefeller 3rd, 26 Oct. 1972, and Lelewer to Rodney Shaw, 15 Nov. 1972, Joan Dunlop Collection, box 2, Rockefeller Archive Center, Sleepy Hollow, N.Y.; Suzanne Staggenborg, *The Pro-Choice Movement* (New York: Oxford University Press, 1991), 59-61, 160-162 & 195-196, n. 7; “John D. Rockefeller 3rd Contributions in the Area of Abortion, 1966-1978,” 24 April 1978, 3-4, JDR 3rd Series, Rockefeller Archive Center, Sleepy

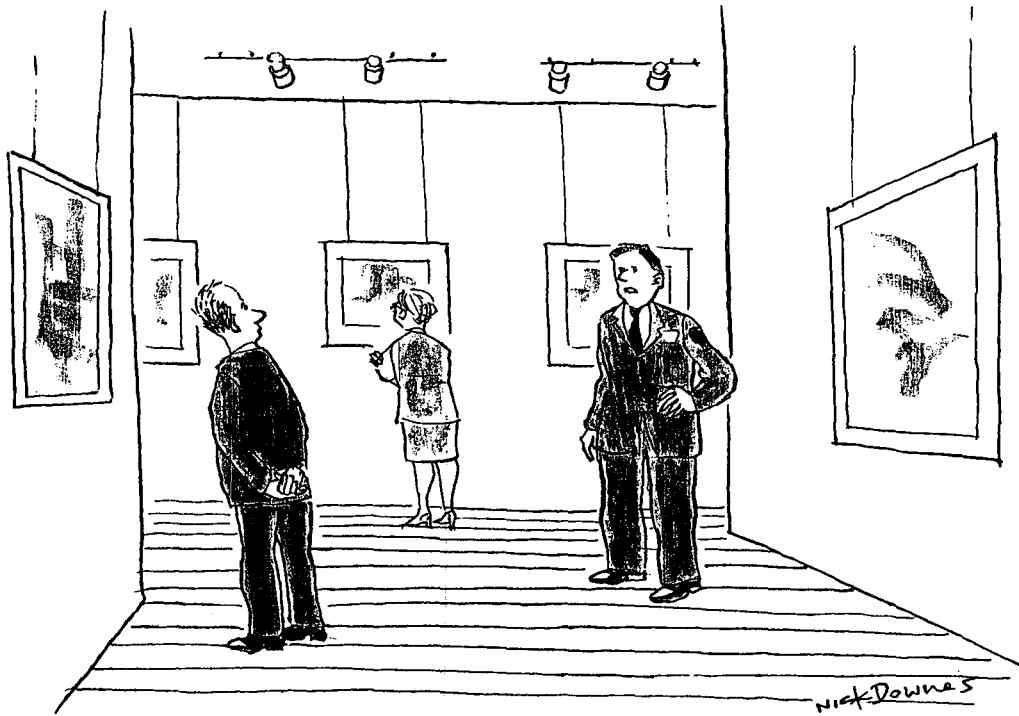


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  33. Rodney Shaw to Joan Dunlop, 28 Sept. 1973, Joan Dunlop Collection (n. 31), box 2.
  34. Rodney Shaw to John D. Rockefeller 3rd, 30 Jan. 1977, Joan Dunlop Collection (n. 31), box 2.
  35. J. Philip Wogaman, "Abortion: Shall We Return to Absolutism?" Washington, D.C.: Religious Coalition for Abortion Rights, 1974 and 1979; and Kenneth L. Woodward, "Soulful Matters," *Newsweek*, 31 Oct. 1994, 23-25.
  36. Edmond L. Browning and others to William Jefferson Clinton, 29 April 1996, author's files.
  37. Religious Coalition for Reproductive Choice, 2003 Annual Report, 17-18, 8-10 & 14-15; and Religious Coalition for Reproductive Choice, "Prayer for Providers of Women's Health Care," [www.rccr.org/resources](http://www.rccr.org/resources), accessed 16 Jan. 2005.
  38. United Methodist News Service, "Abortion," 1 June 2001, [www.umns.umc.org/resources/foreditors/backgrounders/abortion](http://www.umns.umc.org/resources/foreditors/backgrounders/abortion). Membership figures for the United Methodist Church (and for other churches, below) are from Eileen W. Lindner, ed., *Yearbook of American & Canadian Churches, 2004* (Nashville: Abingdon Press, 2004).
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  44. "Nearly Full-term Babies Left Unprotected by General Assembly," *Presbyterians Pro-Life News*, Fall 2004, 1 & 3.
  45. NOEL, "About Us," [www.noelforlife.org](http://www.noelforlife.org), accessed 12 Jan. 2005; Charles A. Selden, "Lambeth Bishops Back Arbitration for all Peoples," *New York Times*, 15 Aug. 1930, 1 & 10; John W. Howe, "A Critique of the Episcopal Church's Stance on the Sanctity of Human Life" (Fairfax, Va.: NOEL Research & Education Foundation, n.d.); and Edmond L. Browning and others (n. 36).
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  52. "Brief History of Lutherans for Life," [www.lutheransforlife.org](http://www.lutheransforlife.org), accessed 27 Nov. 2004.
  53. Lutherans for Life, "We Are Called to Be Great Lovers" (Nevada, Iowa: LFL, n.d.). The story is attributed to an unnamed Member of Congress.
  54. "Training Seminar/Benefits," [www.lutheransforlife.org](http://www.lutheransforlife.org), accessed 27 Nov. 2004.
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  56. The Council lists "Religious Outreach, National Right to Life Committee" and the Catholic

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- group Priests for Life as members. Most of the other members are Protestant groups.
57. Stallsworth (n. 14), 25, 47 & 51.
58. Ernest Ohlhoff, remarks in workshop on "Religious Outreach" (n. 1).
59. Conrad Richter, *A Simple Honorable Man* (New York: Alfred A. Knopf, 1966), 181. The first part of the pastor's prayer apparently is based on an 1834 prayer written by John Henry Newman, who was then a young Anglican curate. Later he was a (Roman) Catholic priest and cardinal. See John Bartlett, *Familiar Quotations*, 15th ed. (1980), 490.



"Keep it moving, Bub."

## The Road Ahead

Stephen Vincent

*“Because a society is measured by how it treats the weak and vulnerable, we must strive to build a culture of life.”—President George W. Bush, State of the Union Address, Feb. 2, 2005*

Are you better off than you were four years ago? Most pro-lifers would say yes, while adding that the true weight of President Bush’s legacy will be placed on the scales in his second term. As biotechnology speeds up to a frightening gallop, and political forces intent on skewing the issues converge for the 2008 election, we will see if Bush’s incremental approach to pro-life issues was a true advance—or a dead-end path that will leave pro-lifers frustrated and riven by faction.

Bush uses the term “culture of life” to describe the goals of his administration, and has been hailed by some as the most pro-life president since *Roe v. Wade*. So it is time to take him at his word, and reflect on how we intend to get there from here. Is our president on track for the culture of life? Is our movement?

Before select groups, Bush is quick to rehearse an impressive list of pro-life achievements from his first term: the restoration of the Mexico City Policy, which prohibits tax money from going to organizations that perform and promote abortion overseas; the Born-Alive Infants Protection Act, which protects children who are born alive even if they were targets of abortion; the Partial-Birth Abortion Act, the first federal law limiting abortion since the *Roe* decision (though the law was struck down by federal courts, and the administration is appealing); the Unborn Victims of Violence Act (Laci and Conner’s Law), which recognizes an unborn child as a second victim when a pregnant woman is assaulted; and the recess appointment of William Pryor to the federal bench, after Pryor had been filibustered by Senate Democrats who objected to his strong statements against *Roe*.

And Bush has kept the momentum going in his second term. In his most dramatic move, the president interrupted his Easter vacation, flying from his ranch in Crawford, Texas, to Washington to wait a weekend for Congress to pass a bill to aid Terri Schiavo, whose feeding tube had been removed by judicial decree. He signed the legislation—at 1:30 a.m. on a Monday—in a noble though fruitless effort to save Terri’s life.

Early this year, he renominated a host of pro-life judicial nominees who

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Stephen Vincent writes from Wallingford, Connecticut.

were blocked during his first term, including Pryor, Janice Rogers Brown and Priscilla Owen. The filibustered three were finally approved by the Senate after an infamous deal that apparently heaved other nominees overboard. This battle is a prelude to the ultimate showdown over the Supreme Court appointment(s) that Bush is being called on to make—and on which the fate of *Roe* and a host of other life issues will depend. (“The courts are absolutely the key to the whole pro-life movement at the national level,” said Austin Ruse, president of the Catholic Family & Human Rights Institute. “This is why the pro-abortion forces have been fighting Bush nominees tooth and nail, because they know that they cannot prevail at the polls. They need appointed judges to do their bidding and block the pro-life cause in the courts.”)

Standing firm on his 2001 decision not to supply federal funds for stem-cell research that would destroy human embryos, Bush recently promised to veto a bill approved by Congress that would allow experimentation on frozen embryos “left over” from in vitro fertilization procedures.

Add to the president’s solid record the election last November of seven new pro-life members in the Senate and 20 new pro-lifers in the House—according to the count of the National Right to Life Committee—and we have good reason to “Envision Pro-Life.”

#### **Good Bush, Bad Bush**

Yet while acknowledging these positive points, some pro-lifers are skeptical that significant progress will be made in Bush’s second term—and, quite ironically, they base their skepticism on Bush’s own record. They criticize his unwillingness to push hard on the issues, despite engaging in occasional pro-life actions. They point to the Schiavo case as a telling example: Though he signed the emergency law allowing Terri’s parents access to the federal courts, Bush declined further intervention as one federal judge after another refused to reinsert Terri’s feeding tube. He did not put his political weight against the stubborn shoulder of an overreaching judiciary, and sparked a split among social conservatives over the prudence of his inaction. Some, like George Will, said that Bush rightly stayed out of a judicial and medical quagmire. Others, like Tony Perkins of the Family Research Council, said the president missed an opportunity to save a woman’s life, slow the acceptability of euthanasia, and rein in judges who legislate from the bench.

Some pro-lifers also bitterly recall how Bush divided their ranks early in his first term by approving use of federal funds for embryonic-stem-cell research, albeit only on cell lines already existing in August 2001. The National Right to Life Committee approved of his pragmatism, calling it a pro-life move that would stall destructive research. The U.S. Conference of

Catholic Bishops condemned it, pointing out that he was the first president in history to provide federal funds for research on fetal tissue.

Critics also point to his President's Council on Bioethics, which has issued some groundbreaking studies, but could not reach a consensus on cloning. By filling the council with scholars of varying viewpoints, the critics claim, Bush gives the impression that vital ethical issues that could change the nature of humanity are a matter to be settled by majority opinion rather than by the right or wrong of natural law. Princeton professor Robert P. George, a member of the Council, said the body is "badly fractured on the most important issues we face. So, unfortunately, we are not in a position to speak to the president, the Congress, or the public with one voice. Still, President Bush shares the vision and basic commitments of the pro-life members of the council."

Perhaps topping the list of criticisms is the president's repeated insistence that the nation is not ready to overturn *Roe v. Wade*. When Bush told the crowd at the January March for Life—by telephone hookup—that a "culture of life cannot be sustained solely by changing laws," and that "we need, most of all, to change hearts," conservative writer Ann Coulter retorted: "We've been talking about abortion for 32 years. All the hearts that can be changed have been changed . . . By some estimates, 35 million human hearts (and counting) have been 'changed' by abortion. . . . The only thing we need to do now is to start 'changing laws.' A culture of life cannot even begin—much less be sustained—until we change the law and repeal *Roe v. Wade*. Only then can we tally up how many hearts have been changed."

At the start of his new term, Bush said that he had built up political capital and intended to spend it as he moves toward the end of his constitutionally limited eight years as president. Yet domestically, he has spent most of that capital pushing Social Security reform, though polls show that Americans are far less ready to accept private accounts than action on pro-life issues. But what if the president had made a barnstorming tour for life issues? What if he had laid out to the American people his vision for a culture of life, taking with him members of Feminists for Life, including actress Patricia Heaton, and women who speak about regrets over their abortion, such as film star Jennifer O'Neill? Imagine if Bush had taken a cue from the late Cardinal John O'Connor and, unannounced, asked for a minute of silence at the start of his next televised speech or press conference, and then declared: "Three unborn human lives have just been killed from abortion, many only a few blocks from where you live. This is a crisis. Let's pull together the American spirit of goodness and compassion and do something to help the women who are suffering so they can keep their babies." Life, liberty, and

the pursuit of happiness—what more pressing issue could there be for a president?

### Insights

Nonetheless, pro-lifers turned out last November to vote for Bush over Kerry. All criticism was put aside as pro-lifers waxed ecstatic, with an immense sense of relief and thanksgiving, that Bush had won a second term. The National Right to Life Committee trumpeted “We did it!” And countless “values voters” were brought back from the abyss of despair after contemplating the early returns indicating a Kerry victory.

Yet sober minds knew that Bush would continue to be a strangely reticent ally. Hadley Arkes, who years ago began the movement for the Born Alive Infants Protection Act, provided insights into the president’s attitude in an April *First Things* article, “Bush’s Second Chance.” While Bush pushed some issues after the November election, he states, “On the matter of abortion . . . the President did not seem to be seized with any comparable sense of the moment, or any heightened awareness of possibilities now come into sight. . . . With moves modest by any measure, Mr. Bush could have advanced the pro-life cause and propelled the Democrats in Congress into an internecine war that would surely have torn them apart.” (Arkes had outlined the same arguments last October at the *Human Life Review*’s annual Great Defender of Life dinner; his remarks there were reprinted in the Winter 2005 issue of the *Review*.) One especially sore point for Arkes was the fact that the Born Alive act, signed by Bush in August 2002, carried no criminal penalties and was not being enforced or even publicized by the federal government.

Bush’s silence on life issues has had political consequences: It has given Democrats an opening to start moving toward the center on abortion, so that even Sen. Hillary Clinton spoke of “respect” for pro-lifers and dusted off her husband’s “safe but rare” rhetoric. Democrats for Life (DFL), a small group that couldn’t get a spot on the party’s website before the election, won a hearing from party leaders scrambling to woo the newly emergent “values voters” and rolled out a plan in April to reduce the number of abortions in the United States by 95 percent over the next 10 years. Kristen Day, head of Democrats for Life, said that her party is well-positioned to push “a consistent ethic of life” that includes care for the poor, health care, and the economy. Invoking the memory of the late Pennsylvania governor Robert Casey, she said that “we hope to have a pro-life Democrat running for president in 2008.” Austin Ruse and others have warned that some pro-lifers would have trouble signing on to the DFL plan, since it includes mandates to increase insurance

coverage of contraceptive pills, which in some cases may produce early, undetected abortions. Still, without a clear pro-life agenda, the Bush administration gave the impression that it was ceding anti-abortion talk to the Democrats—even as firmly pro-abortion Republicans like former New York mayor Rudolph Giuliani and Gov. George Pataki were gaining a foothold in the next presidential election.

What went wrong? The problem, Arkes writes, is Bush's "reluctance to speak on abortion"—a reluctance that has been "part of a policy fixed in his makeup and critical to his political design." Arkes says that when Bush sought social-conservative support for his first run for president, he sent word that he would back pro-life legislation but would not stump for it. "Either it was impolitic to make this question his defining issue, or he did not feel confident of his facility in making the argument," Arkes explains. The bottom line coming from the Bush camp was, "He would speak on this vexing issue only when it was absolutely necessary for him to do so."

Arkes observes: "We could not grasp at the time just how strictly he intended to follow this rule."

With the sense of disappointment and lingering hope that characterizes so many pro-lifers these days, Arkes concludes that the future of the pro-life movement "is now in the hands of President Bush. By taking small steps over the next several months, he could insure that the Giulianis and Patakis will have to make their way within the framework of a deeply pro-life party . . . [and] stir up conflict within the ranks of his adversaries."

Arkes and *First Things* editor-in-chief Father Richard John Neuhaus, who has the ear of Bush, apparently hit their target. Soon after the article appeared, the Department of Health and Human Services announced that it would begin to enforce the Born Alive act "by taking proactive steps to educate state officials, health care providers, hospitals and child protection agencies about their obligations to born-alive infants under federal law," and announced fines of up to \$50,000 for hospitals that break the law. Bush also made a strong statement in May about breaking the Senate filibusters of his judicial nominees.

Still, some pro-lifers do not see practical progress in these small steps. Nor do they think the best route is to wait for better federal judges, given the fact that so many previous "pro-life" appointees have jumped ship: Pro-lifers, they say, need to think big, not incrementally. Judie Brown, president of American Life League (ALL), was never impressed with Bush's pro-life credentials and refuses to call him a pro-life president. "If he were truly a pro-life president he would do everything he could to make the arguments before the nation," she said. "He wouldn't wait for the culture to change, he

would go out to change the culture. He would give vocal support to the Right to Life Act of 2005.” This legislation, introduced in the House, claims that human life—starting at conception—is protected under the due process clauses of the Constitution.

The American Life League is known for its strong “no exceptions” stand that even withholds approval for the Partial Birth Abortion ban, which has a “life of the mother” exception. While recognizing that attention to this heinous procedure has had a salutary effect on public opinion about abortion, the ALL website claims that the exception, in reality, would swallow the rule—because abortionists callous enough to kill a baby being born would think nothing of fabricating a “life of the mother” cause, with the result that “this surgical act of infanticide would not be banned. In practice, it would not even be curtailed.” According to its website, ALL “continues to focus on all attacks on innocent human beings from the time of fertilization as equally criminal acts and opposes them all. We do not single out one type of murder as being more grotesque than any other.”

With similar consistency, ALL endorses parental-*notification* laws—which require the parents or guardian of a minor to be notified if she seeks an abortion—but not parental/guardian-*consent* laws. The latter, ALL argues, allow a parent/guardian a legal say in the abortion decision and thus endorse in principle the right of adults to consent to the killing of unborn babies. Though the law may have the intention of reducing abortions, it does so by enshrining a right to abortion that may be difficult to undo later, the organization argues. A spokesman for ALL told the *Human Life Review* that one of the arguments underlying the *Roe* decision was that Texas, where the case originated, had exceptions to its laws against abortion and could not argue that the state viewed abortion as uniformly wrong.

Of course, the question of legislative strategy is one that sharply divides the prolife movement. The “no-exceptions” stance of groups like ALL is not accepted by those who believe that the only realistic way to save some babies’ lives in the near future is to work for legislation which would prohibit at least some abortions. “I have no doubt that the deliberate and intended killing of a human child in the womb is always a serious moral wrong and a grave social evil,” says Father Francis Canavan, a long-time contributor to the *Review*. “But I wonder about the wisdom of insisting that nothing less than a constitutional amendment banning it everywhere and always is a wise goal in our present circumstances. To take that position is to give up any chance of limiting abortion by law. The votes are simply not there to achieve that goal, and to insist that nothing less will do is to achieve nothing at all.”



Going Forward

According to Robert George, these years are crucial. "The status quo cannot be maintained," he said. "By the conclusion of the second term, the pro-life cause will either have significantly advanced or been very significantly set back . . . I say this mainly because the struggle over embryo-destructive biomedical research and cloning will likely be resolved in the next two to three years."

In George's view, frightening developments in the biotechnology industry compel pro-lifers to work with Bush, whatever their reservations; what may seem like incremental advances now may turn out to be very important victories. "If we succeed in maintaining the ban on federal funding of research involving the killing of human beings in the embryonic stage, and gain yet more ground by banning the creation of human embryos by cloning or any other method for research involving their destruction," George said, "we will have done more than merely prevent an emerging evil. We will have established a solid basis for the protection of the human embryo as a human being with standing whose interests and well-being count in our law." With this principle in place, he added, pro-lifers could see a domino effect of success in such areas as abortion.

Others warn against letting the pro-life vision become compromised by radically pro-abortion legislators rushing to find "common ground" on abortion. While Democrats for Life's Kristen Day thinks Sen. Clinton and her ilk are "sincere" in appealing to pro-lifers, Family Research Council's Perkins tells voters not to be fooled. The Democratic leadership still owes tribute to radical Left groups such as MoveOn.org, and they are still blocking pro-life judges and bills. In May, Perkins wrote, "Senator Clinton has read the results of last year's election and tried to position herself as some sort of self-described 'moderate' in the same mold as her husband, former President Bill Clinton. Last week Senator Clinton showed that when it comes to the social issues she is still to the left of most of the American people. As reported by the *New York Post*, Senator Clinton denounced legislation that would protect the rights of parents to be involved in a minor's decision regarding an abortion. According to the most recent polls on the subject, this puts Senator Clinton at odds with over 70 percent of the nation."

The battle still brews on all fronts. "The great danger is that the 'values voter' will become complacent in the wake of the Bush victory," said Eric Scheidler, communications director of the Pro-Life Action League. "What actually happened on election day was that rather than victory being made certain, defeat for our cause was shown not to be inevitable. Now the battle must be joined with redoubled effort."

Glimpses of the Magnificent:  
**Reflections on the Life of John Paul II**

Any set of essays on the life of Pope John Paul II will capture only a fraction of this astounding man's story. When we contacted several of our editors and contributors for this symposium, we asked for a reflection on the late Pope's influence on the pro-life movement, "our" subject here. The result is the unique and thoroughly engaging series of responses which follow.

As my own brief offering, I would like to focus on how this great man bore his infirmities. Ellen Wilson Fielding writes that, as his health deteriorated, "his identification with those written off by advocates of 'quality of life' measures of human worth grew," and he "addressed the precarious position of the old, the handicapped and the seemingly useless more frequently and in more detail."

As the Pope grew increasingly impaired, even some of his friends in the press chastised him for not retiring—and yet he persisted to the end, working constantly. Though he was of sound (brilliant) mind, critics pointed out that his gait was slow, his words were slurred, his visage contorted. The world did not want to see the once handsome, virile man's painful and disfiguring struggles. An insidious effect of the culture of death is that it tries to hide death and suffering: the disabled are exterminated or "let die," suffering is declared meaningless, death sanitized. In his courageous witness to the worth of the ill, the disabled and the elderly, John Paul was a breathtaking portrait of the sanctity of life. He accepted his disabilities; he refused to apologize for his weakness. For Christians, it ought to have been clear: in his cross, in his weakness, was his strength—but this is foolishness to the world, and threatening to the death culture. In his last days, as the awful dehydration death of Mrs. Terri Schiavo was taking place, one sensed that the Pope united his sufferings with hers, as he lost his ability to swallow and accepted a feeding tube. They died two days apart.

At an address given at a ceremony of the Anointing of the Sick, in 1982, the Pope said: "The sick, the elderly, the handicapped, and the dying teach us that weakness is a creative part of human living, and that suffering can be embraced with no loss of dignity. Without the presence of these people in our midst, we might be tempted to think of health, strength and power as the only important values to be pursued in life. But the wisdom of Christ and the power of Christ are to be seen in the weakness of those who share his suffering."

May his witness to life resound in our hearts always.

—MARIA MCFADDEN

## John Paul II and the Culture of Life

*Ellen Wilson Fielding*

Sometimes, in our more pessimistic moments (certainly in *my* more pessimistic moments), some of us concerned in one way or another with the ongoing battle against the culture of death have been tempted to see the culture of life as little more than a small pool of light spreading out from this great man's presence—like a medieval halo or, to take a more contemporary image, a New Age aura. The rest of the world scene, in certain moods, from certain angles, seems black enough, oppressive enough, formidable enough to make the spirit quail—at least when we contemplate it in our dark times, when psychologically it is 2:00 or 3:00 in the morning.

This is a way of backing into John Paul II's legendary reassurance "Be not afraid"—perhaps a pessimist's way, at least *my* way. Bear with the dark part, because we enter into the light eventually.

Sometimes in the pro-life camp, it seems we have to nourish our hopes on insufficient morsels of good news. The bad news seems hugely disproportionate in both gravity and scope. When we begin measuring "on the one hand . . . on the other hand," the load weighing down the culture of death's hand is so much heavier that we end up staggering about like Quasimodo, the Hunchback of Notre Dame.

For instance: On the one hand, over a million American abortions are still performed each year; on the other hand, we continue to record a slight decrease from the glory days of the abortion holocaust, when upwards of a million and a half died yearly. On the one hand, partial-birth abortion remains alive and well (unlike the infants whose skulls are crushed by the procedure just as they are about to make it through to life); on the other hand, the rare survivors of late-term "ordinary" abortions are now legally required to receive care. On the one hand, mothers are able to selectively abort some of their unborn when they are expecting multiples, due to implanting of more than one fertilized egg, and fertility clinics are now in the business of selling off excess fertilized eggs to fetal tissue/cloning enterprises; on the other hand, a tenuous presidential ban on federal support for such research still holds.

And there's more: On the one hand, Oregon's legalized assisted suicide, the Terri Schiavo case, and hundreds or perhaps thousands of others that

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never become tabloid fodder because the families are not in conflict over pulling out the feeding tube and letting “Nature” take its course; on the other hand, legal recognition in much of the country (on the books at least) that food and water are basic care, even when they pass through a feeding tube. On the one hand, the breakdown of the family, unprecedentedly high illegitimacy rates, and the ongoing struggles of those children who successfully made it to birth against depression, drug and alcohol abuse, sexual exploitation, a degenerate media, epidemic levels of many sexually transmitted diseases; on the other hand, slightly decreasing teenage pregnancy rates and some cases of successful state resistance to the push for homosexual marriage.

Internationally, things are if anything even bleaker. To select some issues at random from both third world and first world nations, we see abortion for population control in countries like China; imploding populations in Europe and Japan; genocide, child slavery, and appalling numbers of deaths due to AIDS in Africa; Dutch “euthanasia” unilaterally undertaken by doctors; legal homosexual unions of varying sorts, including marriage, in several European nations (Spain is about to add its name to this list); human cloning in Korea, with scientists in other nations close behind—the diabolic litany of the culture of death goes on and on, and those opposing the whole overwhelming mess can feel like small children setting up sand walls to save their castles from the encroaching tide.

But if the present-day outlook appears so dark, consider the Nazi-dominated landscape that John Paul II came of age in, and the Communist-dominated one in which he spent the first 30-plus years of his priesthood. Consider the seemingly overwhelming nature of the evil threatening Poles both individually and collectively: the pain, suffering, death and sheer brutality of that time, that place. In such a climate, many people understandably subsided into a kind of numbed passivity, an acceptance not of the rightness of what was happening, but of its inevitability.

Karol Wojtyla did not. He opposed the inhumanity and brutality of the totalitarian government that dominated Poland not suicidally, not violently, but confidently and intrepidly. Others writing tributes to the late John Paul may spell out the specific ways in which he prepared the ground for the Solidarity movement, and assisted the relatively peaceful downfall of Soviet communism; they may focus in detail on his later efforts as pope to educate and inspire opposition to the culture of death. They may discuss his great encyclical on the Gospel of Life, or provide the play-by-play for the battles within the United Nations to defend vulnerable human life. They may note the increasing emphasis during the latter part of John Paul’s

papacy on the rising threat to the sanctity of life posed by genetic engineering issues such as embryonic stem cell research and cloning. And, in the final years of John Paul's life, as his health deteriorated more and more and his identification with those written off by advocates of "quality of life" measures of human worth grew, he addressed the precarious position of the old, the handicapped and the seemingly useless more frequently and in more detail.

In all of these engagements, the late pope's patient, persistent opposition to the culture of death was couched in a philosophical and religious cultivation of a culture of life, a culture that may seem small in relation to the powerful forces ranged against it, but which carries within it immense power. To use a simile coined two thousand years ago, the culture of life is like yeast buried in three measures of flour.

But what I wish to explore right now, perhaps because my recurrent temptation to 3:00 a.m. malaise arouses in me wonder at John Paul's energetic courage, is the *source* of that courage, that refusal to succumb, that active yet unfevered engagement with a recalcitrant world. Where did the hope that John Paul witnessed to come from? Where did his psychological and emotional *hopefulness*—which enabled him to express the theological virtue of hope so compellingly—come from?

Yes, he was blessed from childhood with strong personal influences for good, like his deeply devout, upright, and loving father. Yes, as he journeyed to adulthood he encountered good teachers and spiritual guides, like the tailor-mystic Jan Tyranowski, who introduced the young university student to St. John of the Cross. Yes, he drew on Mary and the whole extensive family of saints for strength—and as a good Pole, he also found inspiration in the great historical figures of his homeland. All of these were significant and even essential elements in the formation of Karol Wojtyła, teaching him what it means to be a human being in society, how we are to treat one another, how we are to act as conscious members of the family of God.

But I cannot help being struck by another kind of indirect source of John Paul's confidence in the culture of life, and that is the self-evident failure of the culture of death to deliver on its own promises. The totalitarian states that John Paul closely observed from within were not generators of peace, prosperity or happiness for their subjected people or for the nation as a whole. Even in the materialistic sphere—the only sphere that the communist system could acknowledge—communist totalitarianism failed miserably to eradicate poverty, injustice and corruption; while in the realm of the psyche, it achieved phenomenal success in generating fear, depression, and apathy.

The West's freefall into hedonism and materialism does not belong on the

same moral footing as the 20th century's fascist and communist totalitarianisms, because of the extensive sphere of freedom for the good that democratic societies still provide. However, John Paul foresaw early on that Western democracies could approach what he termed "democratic totalitarianism" through rejecting or ignoring the inherent human values that undergird and precede positive law.

And this rejection of natural law has real repercussions for individual human lives. To the extent that consumerism, extreme individualism, and utilitarian ethics dominate the culture, Western-style democracies produce increasingly unhappy and unbalanced people. Forget for a moment about rewards in the afterlife, even in purely terrestrial terms a life-embracing, freely self-sacrificial philosophy of life offers more than the Western-style culture of death's exaltation of the devouring "I." For example, as I write, the morning paper reports an extensive study showing that one quarter of Americans in a given year suffer from some form of mental illness (most prominently anxiety and panic disorders and depression), and one quarter of those suffer seriously enough to significantly disrupt day-to-day functioning. Compared to people in most traditional cultures, people in prosperous modern societies routinely score higher on anxiety and depression.

**S**urely one explanation is that the culture of death denies its followers a meaningful way to tell the story of their lives. "The one who dies with the most toys wins" provokes laughter because it is absurd. The one who dies with the most toys still dies, and while he is alive he still needs to figure out what the point of life is. With such a large pool of indulged people to observe in the prosperous societies of the West, it has become hard to deny that accumulating toys (or making a lifetime of choices, major and minor, whose only point is to chase the personal whim of the moment) does not bring happiness or even a lasting pleasure; at best consuming surplus goods only momentarily appeases the gnawing sense of meaninglessness and disconnectedness that accompanies our self-indulgent version of the culture of death.

John Paul did not fear the ultimate victory of the culture of death, because the culture of death is not true. It is founded on lies about what human beings are, and what they need. It does not satisfy the human heart, the psyche or (to translate from the Greek) the soul. No matter what nonsense it parrots about the road to self-fulfillment, it cannot lead its misguided followers to lives that are truly fulfilling.

And so, faced with everything the 20th century—and the chaotic opening years of the 21st—could throw at him, John Paul met life hopefully. In the closing years and months and days of his own life, we all witnessed him

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meeting his own death with that same hope, that same courage. The culture of death is founded on lies, and John Paul understood who the Father of Lies is. As earthly head of his Church, he waged what often seemed—and still seems—an unequal battle for the sanctity of human life. But he did so in the shrewdly serene belief that the gates of hell would not prevail.

# John Paul the Evangelist

Joan Frawley Desmond

When the Vatican released *The Gospel of Life* (*Evangelium Vitae*) in 1995, liberals applauded John Paul II's critique of our bottom-line culture. But progressives doubted that his full-scale attack on a "culture of death" would win many converts to the pro-life cause. Wishful thinking, no doubt, but quite wrong. A decade later, we know that *The Gospel of Life*, written by a fearless prophet with an ear for poetry and a knack for grabbing headlines, remains a great gift to the pro-life movement. In short, *The Gospel of Life* has sharpened the battle lines of a global struggle for power over human life, and has exposed a "conspiracy against life" that links seemingly disparate cultural, political, and economic forces. It has taken time for the pontiff's observations to trickle down into the national and global debate over abortion rights, euthanasia and cloning, but now his terminology is part of our lexicon. Google "culture of life" and the search engine logs over 600,000 references. Google "culture of death" and more than 400,000 citations are noted. The links underscore the vast body of commentary generated by media, religious, and political groups that target sanctity of life issues, using the terms first employed by the pontiff.

A groundbreaking document, *The Gospel of Life's* ongoing influence resides in its unique and dramatic presentation of several related themes. The document's most important contribution is its stark juxtaposition of two opposing forces, a kind of theological *Lord of the Rings*. The intensity of language and tone seek to dispel both the complacency of a world that reveled in the collapse of the "evil empire," and the confusion of a world that even today is transfixed by the siren song of Progress.

Speeding the pope's cautionary message into the American heartland is *The Gospel of Life's* heavy reliance on scriptural references to affirm the truth and staying power of moral absolutes. While previous Vatican documents on moral teaching typically restated natural law arguments, this papal letter has been described as Christ-centered and "evangelical" in tone, the fruit of four decades of ecumenical dialogue between Catholics and Protestants. The emphasis on scriptural support for the intrinsic value of human life, and for prohibitions against killing the innocent and defending the weak broaden the document's appeal beyond the Catholic community, even beyond

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Christian churches. The reliance on scripture and on a powerful narrative to examine the often paradoxical phenomena of modern democracies that affirm human rights, while denying their weakest members the right to life, helps to explain the continuing influence of this document in our culture.

Liberal commentators have acknowledged the power of the pope's stirring moral commentary, but often find *The Gospel of Life's* dark portrait of modernity overdrawn. A *Commonweal* editorial, published at the document's release, fretted that the pontiff gave short shrift to feminist achievements and the practical value of contraception in women's social advancement. Yet many observers immediately perceived the document's unique strengths. The pope has "struck a popular chord, which we can replay many times, . . . and which will provoke many, many responses from the less religious as well as all Christians," predicted then-Bishop George Pell of Melbourne, Australia. In a 1995 address, Pell applauded the pope's striking depiction of the "central issue in these culture wars, in this dramatic conflict of good and evil, whose significance often goes unrecognized, lost in the grey mists of uncertainty and sentimentality. What is the value of human life? Is human life sacred?"

Pell used the papal letter's public release as an opportunity to take aim at Australia's most prominent "messenger of death," Peter Singer, the ascendant Australian philosopher and advocate of infanticide, abortion and euthanasia. At the time, Singer was seeking political office. Pell found it ironic that the violent protests that dogged Singer's visits to Germany and Austria—where advocacy of euthanasia opened old wounds—were not repeated in Australia. The pope's attack on "the soft nihilism which has settled over Western Europe and the English-speaking world," Pell seemed to suggest, offered a prism through which to view Singer's unimpeded rise in influence. Singer has since become a tenured professor at Princeton; his public appearances continue to prompt protests from handicapped Americans and their defenders.

On the Tenth Anniversary of *The Gospel of Life*, the power of its prophetic warning still informs the response of religious leaders confronting new threats against human life and dignity. In a recent letter on embryonic-stem-cell research, Bishop Donald Wuerl of Pittsburg observed: "We witness the conflict of two completely different sets of values and norms for human living. On the one hand, the traditional Judeo-Christian ethic teaches that all human life is sacred and should never be considered a commodity nor be destroyed simply for the benefit of others. On the other hand an expanding culture of death professes that human life, in its most vulnerable forms, can be killed for the benefit of the more powerful."

Evangelical Protestant activists and ministers routinely employ the document's themes and language in their own pro-life arguments. A 2003 Southern Baptist Theological Seminary Publication uses the anniversary of *Roe v. Wade* to showcase an analysis of the culture of death: "Three decades of post-*Roe v. Wade* experience reveals a downward spiral from abortion to euthanasia, from embryo research to human cloning, from assisted suicide to advocated infanticide," noted R. Albert Mohler, Jr., president of the seminary. "[T]he church must be a culture of life, in the midst of the culture of death . . . The church must contend for life . . . in the womb and in the nursing home, in the hospital ward and on the streets."

Charles Colson, founder of Prison Fellowship Ministries, often refers to *The Gospel of Life* and its insights into modern culture. On his "Breakpoint" radio program, Colson recently described the "culture of death" as the "combination of laws and political and cultural institutions that systematically undermine the value of human life in Western nations." He used the "culture of death" to provide some context for his critique of modern bioethicists, who wrongly justify abortion and euthanasia on "quality of life" grounds, rejecting the Hippocratic Oath and its admonition to "do no harm."

The papal letter broaches complex, divisive moral issues in a way that permits pro-life activists to bridge denominational lines. Indeed, part of the document's "ecumenical significance," writes Paul J. Wojda of the University of St. Thomas, has to do with the fact that it is "vigorously christocentric and decidedly evangelical." Following the release of the papal letter, Wojda observed that "John Paul II sees the various present-day attacks on human life as but the reverberations of Cain's primordial assault . . . The destruction of human life in each instance is both cause and symptom of a more deadly dynamic: the loss of God's presence and the concomitant 'eclipse of the sense of God and of man.'"

Wojda and other Christian theologians have noted the bleak tone that pervades the papal letter. But the letter's conclusion remains both positive and practical: an "exhortation to transform the 'culture of death' into a 'culture of life' by recovering this link between freedom, truth, and love, through a contemplative outlook, in liturgical celebration, and in the practical affairs of daily life, but above all by more perfectly proclaiming the singular witness who is the embodiment of all three." Such an agenda can be embraced by both Protestants and Catholics, and parts of it can be taken up by non-believers equally troubled by the advancement of the "conspiracy against life."

Evangelicals brought the pontiff's message into the evening news by incorporating the papal language into presidential speeches on contentious

moral issues. A *Washington Post* article, published at the time of the pontiff's death, took note of Bush and John Paul II's joint promotion of a "culture of life," and described the papal phrase as "an ambiguous term that has come to stand for protecting an individual from conception to death." Pro-lifers in the Bush administration welcomed the convergence of presidential and papal rhetoric, though the two men held opposing views on capital punishment and preemptive war, a divergence Democrats frequently underscore. The *Post* article suggested that Bush and the pope shared a complementary approach: the pope understood himself to be a "conviction theologian," while Bush was a "conviction politician." At a time when many Americans identify "moral values" as a central concern, Bush's adoption of papal rhetoric, says an administration official,

has made a tremendous difference. For a long time, the default worked the other way—we were the extremists. The best thing President Bush has done is simply to speak about life in a reasonable and honest way . . . When the President speaks so plainly, it gets people to think of these issues differently. They don't think of "abortion" or "cloning" but of "life". . . . The President has put the other side on the defensive. The "culture of life" really captures things in a beautiful way. It also drives the Left crazy that George W. Bush speaks more like a Catholic and uses papal language more than Catholic Democrats.

Indeed, Democrats have struggled to neutralize the power of the "culture of life" formulation. Last year, on the eve of the 2005 presidential election, Mark Roche of Notre Dame University wrote a *New York Times* op-ed, "Voting Our Conscience Not Our Religion," in which he suggested that John Kerry was more pro-life than Bush. Roche also contended that abortions had increased under the Republican administration—an assertion that has been vigorously challenged by pro-life activists. In April 2005, while much of the world mourned the death of John Paul II, Frank Rich, the liberal *New York Times* columnist, marked the pope's passing with a rant entitled: "A Culture of Death, Not Life." Rich chastised the late pontiff for causing more deaths by refusing to permit the use of condoms to combat the spread of AIDS—never mind that the pope urged the world to foreswear behavior that promotes transmission of the virus.

Advocates of abortion, euthanasia, and cloning will continue to put their own spin on the pope's compelling moral vision. For this reason, the pro-life movement might ponder the full message of *The Gospel of Life*, which calls for the achievement of pro-life political and legal victories, but also for personal transformation. The papal letter's sharp-eyed observations about the impact of the "culture of death" on the individual conscience has helped Americans of all faiths to perceive the link between

abortion and embryonic-stem-cell research, and to distinguish between natural death and Terri Schiavo's demise.

But the divisions within the Republican Party over the morality of embryonic-stem-cell research underscore the continued need for John Paul II's moral wisdom. Over the last year, some politicians, with strong voting records against abortion, have justified their support for embryonic-stem-cell research by pointing to family members with diseases and brain injuries that may benefit from the research. *The Gospel of Life* confronts such self-justifying arguments, and shows the clear connection between abortion and other attacks on nascent human life.

While it is true that the taking of life not yet born or in its final stages is sometimes marked by a mistaken sense of altruism and human compassion, it cannot be denied that such a culture of death, taken as a whole, betrays a completely individualistic concept of freedom, which ends up by becoming the freedom of "the strong" against the weak who have no choice but to submit. . . .

When freedom, out of a desire to emancipate itself . . . shuts out even the most obvious evidence of an objective and universal truth, which is the foundation of personal and social life, then the person ends up by no longer taking as [an] indisputable point of reference . . . the truth about good and evil, but only his subjective and changeable opinion or, indeed, his selfish interest and whim.

*The Gospel of Life* sympathizes with those who blindly embrace reproductive technologies as a solution to human suffering. The papal letter observes that even the well-intentioned have become desensitized through "widespread conditioning that makes it increasingly difficult to distinguish between good and evil." The spiritual health and sensitivity of the individual conscience is of paramount importance. Indeed, the pontiff draws attention to the powerful, seemingly anonymous forces that promote abortion and coercive birth control policies in the developing world, for example. But he also notes that such vast enterprises originate with individuals and the discrete choices they make every day. This truth makes such forces appear less intimidating, but it increases our own level of personal responsibility. People of good will must fight for legislative victories on behalf of the unborn and the frail elderly, the pontiff argues, and we must reverse global anti-life campaigns. But that won't be enough, says the pope. His papal letter asks each of us to consider our own complicity in a society that deifies the autonomous individual and rejects the demands of inconvenient lives as a threat to human freedom. There will be new attacks on the sanctity of human life. Many of these assaults will be justified in the name of compassion, and tarted up in the fashionable accoutrements of Progress. We must be ready to unmask these threats, despite the allure of their presumed benefits.

## On Fame in Print

Robert M. Patrick

I am now convinced that Pope John Paul II is famous. Don't take my word for it. My conclusion is based on an article that appeared in the April 29 issue of *The Economist*; it was three full pages long, and all about this Pope—even the headline was simply **THE POPE**, in bold black type, that's all.

That may not impress you unless you know *The Economist*, so I'd better take a moment here to inform the unknowing. It's a weekly magazine; based in London, where its history goes back well over 100 years. But in my opinion (which is shared by many other shrewd observers, you *can* take my word for that), it is the most influential English-language magazine in the world. And it now goes all *over* the world too: You'll find it in Hong Kong as easily as in Paris, and probably in Katmandu as well (I don't personally know about that, though). In New York and Washington it's become the *power-chic* publication.

It's much bigger than our newsweeklies—covering the whole world is a big job—and features “special reports” like for instance “The Future of the Amazon” which always tell you a lot more than you want to know. But mostly it covers what's happening in crisply-written *short* pieces—the latest on O.J. Simpson in half a page (Imagine!), that kind of thing.

That's my point. Devoting three whole pages to one man is, for *The Economist*, shocking profligacy. Especially when the only “news” peg was *Evangelium Vitae*, which would ordinarily get covered in maybe a two-column box. But the editors obviously decided to use it to anchor an in-depth profile of John Paul II himself.

That's just what my Irish grandmother would call this Pope: Himself, the one everybody knows whom you're talking about. And that's pretty much the way *The Economist* writes about John Paul, with awe peeping through the prose. But then how else would you handle a subject if you had to report that “he is not interested in reaching an accommodation with secularism and relativism, but in defeating them”? Especially when you feel constrained to add: “To that end, he wants a church that is disciplined and outspoken—and, to judge by his actions, one remade in his image.”

*The Economist* is accustomed to looking *down*: all that happens, and the “world leaders” caught up in the action, are viewed loftily from above, from

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Robert M. Patrick was one of the pen names of the *Human Life Review*'s late founding editor, James P. McFadden. This commentary first appeared in a symposium on John Paul II's encyclical, *Evangelium Vitae*, which appeared in the Summer 1995 issue of the *Review*.

whence definitive judgments ink down onto the airspeed pages, the delphic *obiter dicta* often derided at home in London, true (fact is, *The Economist* is quite often just plain *wrong*), but received reverently in Singapore and the Seychelles.

So you can understand why the editors have trouble looking *up* at the Colossus of Rome as he strides comfortably above and beyond them. Such an unaccustomed position can cause the kind of stiff-necked prose that keeps cropping up in the article, like this petulant paragraph:

Thus, for John Paul to say in the late 20th century that a judgment must be “definitively held” cannot make it so. And, in an age of mostly free speech and mostly free media, where there is nothing the church can do to gag alternative views outside its own forums, this dogmatic approach may have cost the pope at least as much loyalty as it has won him.

Do you get the feeling that the editors don’t like competition in pontification? I do. I’m no expert, but I do read *The Economist* faithfully—no, better make that regularly, “faithfully” sounds wrong here? It keeps me up to date on how much I don’t know (not to mention all the stuff I don’t *want* to know). And I’m persuaded that the editors do better at predicting which way the stock markets will go than they do at forecasting the rise and fall of loyalties they don’t understand.

That may be the trouble right there: they don’t understand. For all its world-wide reputation, *The Economist* remains quintessentially English, which may make the writing better, but not necessarily what lurks behind it. I keep odd quotations (it’s an old habit from my Boy Reporter days), and one that may be just the right one here came from an Englishman named Duff Cooper, a once-well-known crony of Winston Churchill (his wife, Lady Diana, was a great beauty of her time, I have her picture too), who once said “For the vast majority of English people there are only two kinds of religion: the Roman Catholic, which is wrong, and the rest, which don’t matter.”

That sure catches the tone of *The Economist* whenever it wrestles with Rome.

You get a strong whiff of it right at the start, in the short synopsis *The Economist* puts over major articles. Usually they are pretty *neutral*—you get the party line in the article itself. But this time the writer couldn’t wait:

Uncompromising to a fault, John Paul II has marked his church more deeply than any other pope has done in modern times. But if his dogmatic approach has inspired many Roman Catholics, it has dismayed and perplexed others.

Leading with “Uncompromising to a fault” isn’t my idea of neutrality. And a little later he writes: “The most far-reaching way in which John Paul

II has sought to impose his authority has been through his public announcements and teachings.” That’s a bit much from a magazine that’s *both* of those things every week, voluminously (the issue I’m looking at has over 100 pages in it!). Anyway, what is the Pope of Rome *supposed* to be doing if not preaching and teaching? That’s his job.

Pardon the vanity, but I think your servant has got it right: *The Economist* just doesn’t like this Pope’s competition. Consider this line: “Besides, for most Roman Catholics, the pope is far away.” Kind of wistful, isn’t it? You can just tell that the writer wishes John Paul *were* far away, instead of being everywhere at once, which is the perception this peripatetic Pontiff projects. But you have to admire the professional competence *The Economist* brings to its appointed task of imposing its own viewpoint. As you would expect, a magazine with world-wide responsibilities is very concerned about “population control”—it supports the de-population programs beloved of the UN and our own President Bill Clinton—so it, er, naturally supports forms of “birth control” (including of course the most efficient one, abortion). Confident that such views are shared by all “reasonable” people, the article zings the Pope with “He made a point of saying in ‘Evangelium Vitae’ that his bishops unanimously agreed with the church teaching on abortion. A similiar reference to a unanimity of opinion on birth control was conspicuous by its absence.”

*The Economist* spies other vulnerabilities as well. For instance, in our Age of Freedom, people are free to disagree, “particularly on matters that touch their own private lives directly”—you know, like *morality*. But the Pope just doesn’t get it: “He has no time for ‘cafeteria Catholicism’—the notion that people can pick and choose what papal rulings to obey.”

He *is* a hard case.

Ours is also the Age of Democracy, which has, we are assured, triumphed globally in the wake of the Evil Empire’s collapse (of which, if I may say so, John Paul was the prime mover). Yet the Pope isn’t “prepared to concede that secular institutions”—for example “the ballot box”—are “a source of moral authority to rival his own.” He has “little use” for democracy in the Church itself, and actually believes that truth “is not revealed by majority vote”!

What can you do with someone as politically incorrect as that? Not much, obviously—such ideas, added to his outdated notions about “sexual ethics” (not *morality*, notice), make it easy to caricature John Paul as “a sexually obsessed celibate reactionary.” Take *that*, Pope!

But in victory, *The Economist* turns magnanimous: to simply dismiss John

Paul like that would be to “miss the complexity that makes him so compelling.” How complex is he? Well, as the article recounts for us, he’s visited an Islamic country, and even entered a synagogue—and don’t forget that he went to prison “to forgive his would-be murderer, Mehmet Agca”—the man isn’t *all* bad, he’s just allowed his “larger message to be distorted” by what some German theologians and their ilk have called his “intense fixation” with contraception.

Even so, his “singular view of the world has brought him the biggest audience of any pope this century”—*The Economist* isn’t taking any chances, the fellow might just *win*, better to hedge your bet? Well, not exactly: after the patronizing praise, the editorialist slides back into judgment: “In the end, John Paul’s crusade to assert his authority has proved to be in part a matter of testing it to destruction.” Personally, I like that “in part” part. *What* part—the core of the immemorial papacy, or just some incidentals?—isn’t specified. It’s hard to improve on *that* hedge.

These things require an upbeat ending. You don’t sell papers with *all* doom and gloom. Then too there’s that world-wide Fan Club of John Paul’s out there, some of them might even be smart enough to read *The Economist*, you never know. On the other hand, it can be handled without saying anything upbeat about the incumbent: even if he does live 100 years, as the Poles would have it, Rome is likely to outlive him. Just so, the article ends with this barbed optimism: “A lighter touch from his eventual successor on the throne of Peter may prove to be a surer one.”

Surer for whom? Again, we aren’t told. My own surmise is, *The Economist* yearns just to be rid of this troublesome priest—it’ll worry about the *next* one later. I’m not a betting man myself, but if I were I’d bet on *much* later. No matter: the historical odds are that the next one will be just as popish, unless of course the proverbial Gates prevail, and I wouldn’t bet on that at all.



## The Anglican's Angle

*William Murchison*

Why this from a member of a culture and faith that once was readier to view the “pope of Rome” as dastardly usurper than as hero of the common faith? What’s the nature of present Anglican fascination—and more than fascination—concerning the late John Paul II?

A first-order consideration is that this particular “pope of Rome” was not just any pope, sitting (as a certain kind of fossilized Protestant would once have giped) beneath his canopy waiting with ring extended for kissing. Here instead was a pope whom, on his death, the archbishop of Canterbury would praise as “a leader of manifest holiness and a faithful and prayerful friend of the Anglican Church.”

“Friend”! How would those oldtime Protestant scorners have liked them apples? Not much, it strikes me. For that matter, starchier Roman pontiffs—Leo XIII, who declared Anglican orders invalid, comes to mind—might not have relished the insinuation of likeness between such unlike Christian camps. Yet just a few days later here came the archbishop himself—Dr. Rowan Williams—as the first of his line, while still in office, to attend a papal funeral; to sit among the scarlet magnificence of the mourners and affirm the essential connectedness of Christians everywhere.

Karol Wojtyła’s gift of ecclesiastical hospitality was certainly extraordinary: more so, perhaps, with regard to Anglicanism than to most other Christian communions and fellowships.

There is after all, when you scratch below the surface, less that divides Anglicans from Romans than Romans from many other Christian bodies, including the Eastern Orthodox. Anglican priests wear the Rome collar, generally prefer being called “Father,” observe many of the same liturgical feasts and uses as Romans, even employ the same lectionary at Mass (as more catholic Anglicans call the eucharist). Many Anglicans yearn audibly for reunion with Rome, ruing the political circumstances and human follies that let Henry VIII consummate his theft of church headship and property in the 16th century.

What keeps apart the two flocks? Oh, a few long-familiar items: papal primacy; some of the Marian doctrines; old habits and cultural distinctions of one kind and another.

And conflicts over gay rights; conflicts over women priests; the afflictions

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of a world uncertain as to the proper locus of authority. The older quarrels have lost some of their purchase on modern minds; the newer ones have atomic capability. They could blow apart Christianity as presently organized.

That John Paul trod so deftly, and to so much applause, along the border between the two rival camps attests to something more than mere personality and charm; something more like—we could start with “integrity” and see where that takes us.

The late pope cared for, among much else, the integrity of the Christian commitment to fellow Christians. He desired unity insofar as unity could be obtained. There was another side to the matter, all the same. Unity at the cost of Christian truth was unity without—that word again, integrity. The pope would have none of that. His refusal to have any of it made him look, to many Anglicans, like a back number. A word about these folk.

Since World War II, Anglicanism has fallen into theological disrepair. Starting in the 1960s, Anglicans in the various Western churches that make up the communion (England, Canada, the United States, etc.) revised their prayer books, placing greater emphasis on joy than on sin and remorse. Joy gets the appetites working and the juices flowing. More! More!

Soon, joyful American Episcopalians decided to start ordaining women as priests, contrary to ancient and biblical understandings of priesthood. Other Anglican chapters quickly followed suit. Women priests—a few generally orthodox, the greater number quite “progressive” in politics and theology—have become as ordinary in Anglican churches as velvet-covered kneelers.

One question of sex led to another. If sex was all the same thing—more or less—why couldn’t active homosexuals and lesbians enjoy the same rights as heterosexuals in the church and in society? For this to happen, biblical and psychological witness had to be recast. Church “progressives” were happy to provide the relevant explanations. And abortion: Why not? It’s all about choice you know, choice being inherently personal and good.

In 2003 U. S. Episcopalians consecrated their first openly gay bishop—a practical turn in the theoretical direction already established.

At every step, less “enlightened” Episcopalians resisted the turn to cultural theology. Mostly in vain, given the commitment of the church establishment to supplementing the New Testament with the *New Yorker*.

The contemporary Episcopal Church serves up, week after week to its membership, a pasty secular stew, flavored with artfully applied dashes of scripture for those who like that sort of thing. As conservative parishes and dioceses grew restive in the ’80s and ’90s, liberals tried to enforce a uniformity they would have denounced had they themselves faced comparable strictures. Conservatives, over the establishment’s head, sought connections

with orthodox Anglican bishops from Africa, South America, the Caribbean, and Australia (there being few such bishops in the old “white” territories).

What—amid all this—of John Paul? It gets complex here. Unity the pontiff sought—unity inside the bounds of what was theologically possible. And what wasn’t theologically possible? The ordination of women for one thing. Nor could abortion ever win papal approval. Nor the cause of gay rights in its various configurations, such as the right of same-sex marriage.

The firmness of John Paul’s faith cost him friends within Anglicanism, certainly. Just as certainly it won him other friends: those who valued plain speech in behalf of Gospel Truth. Plain speech and plain acting. It was John Paul who created an escape hatch for Anglican clergy and congregations desirous of becoming Roman without giving up all the appurtenances of Anglicanism (e.g., married clergy). Not a vast number have utilized the so-called pastoral provision; on the other hand, some of our best have, and the hospitality of the host—JP II—will not be forgotten.

On gay, er, “rights,” the late pope’s ringing affirmations of the traditional faith still haunt our discourse. Prior to the gay consecration of 2003, Romans and Anglicans were deep in official conversation, seeking the maximum amount of common agreement. The pope warned, in his most oblique and diplomatic way, that the consecration would create “serious difficulties” for all those pursuing agreement. It did. The talks broke off. The presiding bishop of the Episcopal Church, co-chairman of the talks, as well as chief consecrator of the gay bishop, resigned his ecumenical task. Archbishop Williams, a more cautious supporter of gay ministry to begin with, pulled back from confrontation, helping make himself—unlike the American primate, who received no invitation—a suitable guest at the papal funeral.

Just a personal word. I was writing newspaper editorials when Karol Wojtyla became pope. Anglican as I am, I jumped for joy (an exercise impossible for anyone reacting to an election in the Episcopal Church). I think, I hope, I pray that I saw and stated the importance of John Paul II as quickly as any Roman Catholic.

In 1994, covering as a journalist the General Convention of the Episcopal Church, and dismayed by the flightiness and secularity of the proceedings, I repaired to the book display in the exhibits hall and there purchased a copy of . . . the *Catechism of the Catholic Church*, the catechism which John Paul II had brought to fruition: the statement of the *whole* faith, not just that portion likely to win a vote of confidence from the editorial board of the *New York Times*. It was comforting to be reminded that some Christian

WILLIAM MURCHISON

leaders continued to conduct themselves as Christian leaders. Someone over there in Rome—yes, Rome—was looking out for little lost sheep who had lost their way. We owed the gentleman—good Anglican word—a vote of thanks and gratitude.

For years I sought to repay that debt, offering daily intercession for—after the usual Anglican gang—that good and great man who was John Paul II; now replaced in my intercessions by Benedict XVI.

I have opened myself to a query: Well, all right, all the foregoing being so, why not Rome as home? I feel obliged to answer so sensible a question. And the answer is that the Anglican fold still—still!—abounds in worthy shepherds and hungry sheep: whom to leave at such a time, when so much work is expected of the faithful . . . well, I can't and won't, and that's the end of it.

But, Holy Father, John Paul: blessings, if Anglican blessings make any stir at the throne of glory, for the inspiration of two and a half decades of holiness, decades of faithfulness, decades during which it was possible to know, in the person of a Pole touched magnificently by grace, that the Lord had by no means forgotten his sheep.

Why, no, here was a shepherd come out of the east to feed not just his own flock, but the hungry hangers-on who clustered about him, calling his name. Who know him now not as any old "pope of Rome," no, no; the Lord's faithful messenger and servant—that's our man.



*"That's all well and good, Peters, but, have you forgotten today is 'Tacky Hawaiian Shirt Friday'?"*

## Pope John Paul and Women

*Mary Kenny*

It is a regret of mine that I was not able to go to Rome for the funeral of Pope John Paul II: but several of my friends did so, just to pay homage to the man who had made such an impact on their lives. A valued account of being there came from a younger friend, Melanie McDonagh, a journalist for the London *Evening Standard* (and a wife and mother), who wrote that “being here is the only way I can say thank you. . . . Like hundreds of thousands of other pilgrims, I stood for hours in the biggest queue Rome has ever seen, to view the Pope’s body as it lay in state. Around me there was a remarkable cross-section of the Church. There were Filipina nuns, the Italian old ladies with brollies to keep off the sun, the Milanese soldiers in feathered hats, the ubiquitous, impoverished blonde Poles, the chatty Brazilians, the dignified young African sisters, the young Englishmen in tweeds. . . .” They were there to honour John Paul’s legacy, Melanie wrote. “He made a change in the way people think about things, the way I think about things, which will long survive him.”

During Karol Wojtyla’s papacy, there was much hostile material written about the alleged papal misogyny. From the usual suspects came the charges that this Pope was against women because he ruled out the ordination of women, and because the female saints he chose to elevate were humble little creatures, not affirmative Hillary-Clinton-like role models. And of course the abortion wars reached a high crescendo during his papacy. I remember attending a London briefing, just before the 1995 United Nations conference on women at Beijing, held under UN auspices for Non-Government Organisations. The dark force held up as the implied enemy (rather as Mr. Bush is nowadays in liberal European theatres) was The Holy See. Under John Paul II, the Holy See was characterised as the enemy of women: the regressive force standing between us and all progress.

Yet anyone who cared to examine the other side of the story needed only to visit their local Catholic church. Any local Catholic church, anywhere: the research is, literally, on the ground. My own roaming area is Ireland, England, and the north of France, and in any Catholic church in any of these countries women predominate among the faithful, and were among the most sincerely moved at the death of the Holy Father. As Melanie McDonagh

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testified, they were to the forefront of those mourning his death in Rome. Most ordinary women understand the situation very well: Yes, John Paul II was a traditional theologian from a country with a strong mooring in history. He was indeed orthodox on sexual matters. But many ordinary women hold the same views and understand very well indeed what he stood for: honour, fidelity and the natural law. Indeed, most opinion polls in most countries show that on sexual matters women in general are more conservative: are less inclined to promiscuity: value the ideals of marriage. If, in divorce, women are now more frequently inclined to sue for divorce than men, that—interestingly—is a reflection of the high value that women place on marriage (according to a British think-tank expert, Penny Mansfield of One to One, who has archived over 3,000 studies of marriage).

**I**n his writings on love, sex and marriage—particularly his poetic writings, and his work for the theatre—Karol Wojtyła had what one might call a romantic view of the relations between the sexes. He believed that men and women were different—a view that is increasingly endorsed now by biological science—but that this difference is brought to an almost poetic fusion in the union of marriage. This is far from being misogynistic: It is merely not the mechanistic and sometimes rather brash and ugly view of sexual relations that prevails in our time. He also repudiated the *consumerist* view of sexual relations: that people are things and can be used or traded. It is wholly necessary that this view be upheld and affirmed in a globalised economy where people clearly are treated as things and are being used and traded.

Polish society, in which John Paul II was, of course, formed—and which remained deeply imprinted on him—was traditional and indeed what we would call old-fashioned, made all the more old-fashioned, in an operational sense, by the imposition of forty years of Communism: even in the 1980s, farm-work was being done by horse and plough and the hand-held scythe. But it was always enlightened about the education of women. In the 19th century, when women in Britain and America had to fight to become doctors, Polish medical schools were open to women, and the only woman scientist of note to emerge in the 19th century—Marie Curie—was born Marie Skłodowska in Warsaw in 1867. There was no false prudery about it being improper for women to study human anatomy: Polish nuns had been nursing wounded soldiers in war since at least the 17th century, and had developed a practical approach to the care of the human body.

Pope John Paul's early personal life was marked by sorrow—losing his mother and his brother at an early age, and a baby sister whom he never

knew: his mother had given birth to a daughter before he was born, and all his life “Lolek,” as he was called by his family and friends, remembered this “big sister” he had never met. Indeed, in the weeks before his death, his thoughts dwelt tenderly upon this lost sibling. This may have sensitised him more than usual towards the humanity of the unborn child: his sister had been barely born when she died, and yet his mother had always mourned this child’s loss.

Karol Wojtyla led, before becoming a priest and then a bishop, the life of a normal, active and sporty man, and his obvious masculinity not only made him more attractive, in the larger sense, to women, but also more comfortable with his feminine side. Jung suggested that it is men who are “real men” who are able to accept the necessary counterbalancing feminine which makes for the whole in the human personality, and it always struck me that Pope John Paul II embodied very much, in his prime, that combination of virility and sensibility. To become a priest and take the vow of celibacy must have been a self-renouncing sacrificing for him, because he valued marriage so highly. But sometimes in renunciation, the value of the ideal shines ever more brightly.

His special devotion to Our Lady was part of his elevation of the feminine: and part of the tremendous value that he placed on motherhood. To me, he was far from being a misogynist: He was comfortable with women and always good friends with the female academics he knew as a university professor in Poland. He stands four-square in the Catholic tradition which values the feminine and whose teaching authority is itself characterised as *Mater et Magistra*—Mother and Teacher. *We miss you, Papa Wojtyla* is the title of a popular book of remembrance for the late John Paul II. And if you seek those who mourn—look around you, and see how many women are counted among the number.

# Be Not Afraid

Lynette Burrows

Solzenitzyn once remarked that just about the only thing one man could change was the spirit of the age. No small thing as it happens and, for our age, Pope John Paul was the man who changed the spirit.

It took him a long time to accomplish this in the affluent European cities, but his effect was instantaneous in those countries still under communist tyranny. They were still close enough to real problems and suffering, to recognise the Pope as a champion of their freedom and autonomy, without any intermediaries interpreting his effect. In this, they had the enormous advantage of having a ruling class that no one believed or trusted because it was “the enemy;” and a media class that no one believed either—because it was a mouth-piece of that enemy.

The position of the ordinary citizen in Europe is not as different as one might think—as John Paul pointed out—where the unacknowledged tyranny of commercial interests is deployed and reinforced by means of a media that serves them at every turn. Almost none of the wicked innovations that have been enacted by parliaments across Europe have come about in response to public demand. Abortion, sexual licence, divorce, pornography—the ills that sap a community’s moral energy—were all, in reality, good business opportunities which were subtly transformed into ideological aspirations by a compliant and blind media.

Unfortunately, we have been so seduced by the hedonism and materialism that this new tyranny offers, that we have not seen how it increasingly traps and then destroys personal and communal well being in the long-term. John Paul saw it and tackled it head-on and, in doing that, he laid the groundwork for much of what remains to be done.

It is rather fascinating to notice how, even in the so-called “post Christian” society of today, the language of evangelisation never alters. Since the days when the barbarians first invaded Europe and found a Faith that was new, all succeeding generations have been able to draw on the deeply rooted Christianity that has informed every aspect of their lives. Lapses have been followed by repentance and “a firm purpose of amendment” as the old catechism put it. It has been our history for 1500 years and, to quote Chesterton, “the heavenly chariot flies thundering through the ages; the dull

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heresies sprawling and prostrate, the wild truth reeling but erect.”

It is the same today. In Europe, evangelisation is essentially a call to *return* to a standard; a reminder of where the path lies and of those who have trodden that well-worn path before. John Paul’s unprecedented creation of saints, and emphasis on the martyrs of our own day and the past, is a call to recognise what Chesterton again called “the democracy of the dead;” the important things that our forbears have witnessed to, and laid down their lives for.

The young love him because what he said to them has the inestimable advantage of being new! Badly educated in their religion as many of them are, and misled in the truth by people to whom the Faith has become old and stale, they have responded with enthusiasm to something that makes sense of their lives.

His effect on them was the real lesson of our times; that the truth, the splendid truth, is in the end, stronger and more appealing than the opposition that seeks to silence it forever.

When *Veritatis Splendor* was published in the late summer of 1993, it was greeted with howls of dismay by media commentators in both the secular and the Catholic press. These are the only people we hear from on almost any subject—and they are, for the most part, a soft and rootless lot—and almost always wrong. They are, however, the filter through which everything must pass before it gets to the public.

You have to feel sorry for them. Precisely when liberal opinion was getting to feel relaxed about tolerating religion—because it seemed to have something to do with human rights, at least in backward old Poland, John Paul slammed the door of approval in their faces. He didn’t need their help! They had long since ceased griping about *Humanae Vitae* so as not to prolong its memory in the public mind. They hoped it had passed into medieval history alongside witch burning and flagellation.

John Paul was a man who was everything they approved of in so many respects; he loved physical recreation; human rights and young people. Everything they loved too. What was more, he was charismatic and that is considered very good copy—even if the person is a criminal! The Pope was a winner, a celebrity who didn’t have to claim to have defeated communism single-handedly; others claimed it for him. “How many battalions has the Pope, your Holiness?” “None; it only takes one modern, progressive man—who reflects the educated elites of the West, and evil crumbles.” That is what liberal opinion hoped to be able to make of him.

But he blew it, right? They were willing him to affirm their pseudo-religious belief in the evolving nature of morality and instead, he said “if it’s wrong, it’s wrong!” He was reaffirming everything that had given them nightmares

before. They couldn't believe it! How could he be so—uncommercial! What an easy time they would have given him if only he had talked the talk as convincingly as he walked the walk.

Instead, he gave it to 'em straight. "The prohibitions of the natural law are universally valid. They bind every and each individual always and everywhere." Abortion is morally wrong; so are contraception, direct sterilization, pre-marital sex, homosexual relations and artificial insemination. Concepts were laid out, terms were defined, the orthodoxy of the church was discussed in fascinating detail. It was a feast of religious thinking—and must have been pure torture for those who regard religion as "a virus of the mind," to quote one Oxford academic.

For those who have, for a long time, regarded truth as something over which they have complete control, all this was a shock. They could not get their heads around the fact that John Paul really believed there was such a thing as the truth, objective and fiery—and that he was going to make sure everybody else knew it too. He was serious about it. He didn't want to be popular. Most hurtful of all, he didn't need media approval to feel good about being the Pope.

"Be not afraid," John Paul constantly told people and we all nodded our heads and didn't know what he meant. After all, it doesn't take much courage to be good and kind and go to church. The urgency of his invocation to cultivate the virtue of courage was uttered almost like a prophesy; a warning that things can be expected to get much tougher than they are now and that real, actual courage is necessary to defend all our other virtues.

**W**hat did the Pope foresee in the future that should really concern and frighten us? Let us consider the two most striking facts about Europe today, including on this occasion Britain, and see if they are related. The first is the collapse of the birth-rate in most of Europe and the second is the advent of millions of people from alien cultures and religions. The last time I read of it, it said there were now forty million Muslims in Europe with another 13 million at least "required" to balance the economic books.

Addressing, let alone resolving, these two unprecedented phenomena will take the courage of which the Pope spoke.

It is not loss of religion that has made the European young "ignore" the Pope's teaching on contraception, whilst seeming to love and esteem the man himself. It may have been once—but it is not now. Once it seemed modern to have one, or no children but that is long passed. Today, people do the best they can within their economic circumstances but the reality is that, as things have developed, they simply cannot do what the church tells them

is right. It's not schizophrenia—they are swamped by an economic system that no one wants to expose for what it is.

Here is the next challenge that will face the Catholic Church in Europe and it is a really big one. When *Humanae Vitae* came out, the media erupted because it had all its guns pointing at the Pope if he dared to challenge the contraceptive mentality that was the new morality. It is nothing to what the roar of disapproval will be when, finally, the Church addresses the evils of multiculturalism.

The very word is a contradiction in terms. A “culture” is something encompassing that which more or less everybody shares. Multiculturalism, by contrast, is a concept that was germinated in the dirty tricks department down below and deployed by its most faithful servant—Commerce. It has the obvious advantage for its acolytes of simultaneously making money whilst destroying family, community, and Christian values. What a coup!

The Church made a start on what must be done when Cardinal Giacomo Biffi, the former archbishop of Bologna, was brave enough to say, in 2000, that no government had the right to invite into their country unmanageable numbers of people of a different religion and culture. It was more than the Christian charity of the individual could support, he said, and he compared it to obliging every family to take in another family to live with them—and then insisting that Christian charity demanded that they accept and make the best of it.

It is an outrageous and cynical exploitation of Christian principles by those who care as little for religion as they care for anything else but money.

I'm glad to say that the Vatican's secretary of State, Cardinal Sodano, backed Cardinal Biffi, saying his words were “very wise” and “deserving to be understood, not twisted.” However, since then, there has been very little said on the subject—at least as far as our media is concerned in Britain. Almost everyone, from top to bottom in society, knows it; but they are afraid.

Commerce, and government, want cheap labour for, respectively, their profits and to run the public services cheaply. Yet there are still naïve commentators who say that the foreign workers have been brought in “because the indigenous population will not do the dirty work.”

This is simply rubbish! They will do any sort of work, however hard and dirty—if it pays a living wage to a person who has a family, a house, schooling, and local and government taxes to pay. Itinerant foreign workers live crowded into houses and flats where they can afford to work for a pittance a day, and still send money home. Many work for nothing for fellow immigrants, draw welfare benefits and avoid taxes—thus undercutting the small, family businesses that cannot compete with their unrealistic prices.

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How are young people supposed to buy a house in an area that is still recognizably of their culture and send their children to school where they will not be the ethnic minority, unless both husband and wife work? It simply cannot be done on the average wage. The anthropological scenario of Europeans committing racial suicide through materialism is wide of the mark. The savage realities of life for young marrieds across Europe is the explanation of their choices. And these realities are brought about and exacerbated entirely by government policies.

It is not lack of religion that strikes one in these circumstances; it is the incredible forbearance and charity of a Christian people who have allowed this government policy to continue because they see it is not the fault of the immigrants themselves. Would any non-Christian country tolerate such an invasion unless it was accomplished with force? All sense of community is lost in the big cities; their culture is denied to people in case it offends the newcomers; they have undreamt of levels of alien crime; polygamy swells the divorce figures and is used to demoralise marriage; alien practices offend at every turn. Yet all this seems invisible to commentators who ring their hands over the loss of religious faith amongst the public in the midst of this managed invasion.

“Be not afraid,” was Pope John Paul’s most memorable injunction to us. What did he have in mind? Political correctness is not brave; niceness is not brave; tolerance is not a synonym for virtue in all circumstances; avoiding trouble and pretending you are “turning the other cheek” is rank cowardice.

Let us hope and pray that the new Pope, by the power of the Holy Spirit, can lead us towards a resolution that will avoid the conflict and bloodshed that usually accompanies terrible mistakes on a national scale. At the very least, we need now more than ever to know what is the right and wrong thing to do; what we are *feel* as we confront a situation for which there are no easy answers. Be not afraid indeed.

## Abortion and the Voice of Scripture

William Ross Blackburn

Does Scripture speak to the matter of abortion? If so, how? I want to approach the question by responding to Professor Richard Hays' essay on abortion, the final chapter of his book *The Moral Vision of the New Testament*.<sup>1</sup> I take this approach for two reasons. First, in his reading of Scripture, Hays arrives at a "pro-choice" position.<sup>2</sup> While Hays speaks of abortion as a grave matter, and offers insight concerning how the Christian church might deal with crisis pregnancies without resorting to abortion, he ultimately concludes that Scripture is silent on the matter. Accordingly, Hays writes "it is perhaps inevitable that Christians will in good conscience reach different conclusions."<sup>3</sup> The following critique of Hays' essay will seek to demonstrate that, far from being silent, Scripture speaks distinctly on behalf of unborn children and their mothers (and fathers).

The second reason for addressing Hays' work concerns his stature. Hays is an internationally recognized author and holds a chair in New Testament at Duke University. Furthermore, *Moral Vision* is perhaps the most widely read book on New Testament ethics in America today. The back cover displays the superlative praise of some impressive thinkers: N.T. Wright, Stanley Hauerwas, Leander Keck, William Klassen, and Ellen Charry. While a warm recommendation of a book does not necessarily entail complete agreement with all contained therein, such recommendations do, of course, affect its public reception. The fact that *Christianity Today* named Hays' book one of the 100 best and most enduring books of the twentieth century likewise reflects its contemporary importance.<sup>4</sup> And, as we know, ideas have practical, not simply theoretical, consequences. Given Hays' stature and respect in the academic community and among communities of faith, his voice carries weight, and therefore must be addressed. Furthermore, I assume that Hays' makes his argument concerning Scripture as well as it can be made, which likewise commends the effort to engage him.

The following will begin by summarizing Hays' argument, and move toward an analysis of why, despite several helpful insights, Hays misses Scripture's teaching on abortion. In so doing, it will seek to demonstrate *how* Scripture speaks about abortion, both in condemning abortion and in offering practical instruction concerning how to counsel women in crisis pregnancy and those who have undergone abortion.

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### Hays' Treatment of Scripture and Abortion

Hays frames his argument through a personal experience of a Christian couple, whom he calls Bill and Jennifer—in their mid-forties, with children almost grown. Jennifer discovers she is pregnant. Having decided to carry the unexpected child to birth, the couple finds out that the child has Down's Syndrome. Hays uses this example to focus his discussion: "Can the New Testament provide any guidance on this agonizing decision?"<sup>5</sup>

Before interacting with the texts, Hays makes two comments concerning his approach. First, he locates his discussion within the Christian community. His primary concern is not to instruct the world, but to ask the question, "How shall we as people who belong to Jesus Christ live faithfully under the gospel with regard to our treatment of the issues of pregnancy, abortion, and childbearing?"<sup>6</sup> Second, Hays speaks of the church's need not to "get trapped by the way the world defines the issue" but "to frame its moral reflection within the categories offered to us by Scripture."<sup>7</sup> In order to hear Scripture's witness, we must hear it speak in its own terms and categories.

Hays begins with a statement of the difficulty of the task, citing abortion as "a major ethical issue not addressed explicitly by any New Testament texts at all."<sup>8</sup> He briefly surveys texts commonly used in the abortion discussion, showing why each "proof-text" has either limited or no relevance to the issue at hand.<sup>9</sup> He finds some cursory help in the Old Testament. For Hays, Exodus 21:22-25 offers some help in understanding the status of the fetus: When a pregnant woman is injured in a fight between others, the punishment is greater in the instance of her death than it is in the instance of a miscarriage. This reading of the text has some (albeit limited) relevance to the discussion, according to Hays, because the text "seems to posit a qualitative distinction between the fetus and the mother; only the latter is legally a person with reference to whom the *lex talionis* applies." Psalm 139:13-16, which refers to God forming life in the womb, is also of some help, but must not be leaned upon too heavily, since it is poetic and not a "scientific or propositional statement." Because Jeremiah 1:5 similarly speaks poetically of God's providence (even before conception), Hays likewise finds the text to have no direct relevance to abortion. Hays finds no help in the Decalogue command "thou shall not murder" (Ex. 20:13, Dt. 5:17), arguing that the Sixth Commandment offers no insight as to whether or not abortion is murder.

Even less helpful for Hays are three New Testament texts often cited as relevant to abortion. Hays finds those who use Luke 1:44, where Elizabeth proclaims to Mary that "the child in my womb leapt for joy," to oppose abortion are guilty of "ridiculous and tendentious exegesis," arguing that the

text is Christological and not concerned with defining the personhood of the fetus. Hays concedes that “the text might indirectly shape a symbolic world: The phrase ‘the child in my womb’ implies an attitude toward the unborn that is very different from speaking clinically of ‘the fetus.’” Hays finds “hardly worthy of discussion” the argument that Paul’s condemnation of *pharmakeia* (Gal. 5:20) refers to an ancient practice of taking drugs to induce miscarriage, and he dismisses Jesus’ words “let the little children come to me” (Mt. 19:14) by flatly stating that the passage obviously refers to born, not unborn, children.

Although he finds no texts that refer directly to abortion, he does briefly comment that the Bible regards children as a great blessing from God, that childlessness is seen as great affliction, and that pregnancy is never seen as a problem in the Scriptures. Against this background, Hays says, Scripture views abortion as not so much immoral as unthinkable.

Finding no specific direction in the matter, Hays argues that Scriptural guidance must be found indirectly. He proposes two hermeneutical strategies for seeking practical guidance: placing the abortion issue in the broader framework of the symbolic world of Scripture (wherein the reader seeks to locate himself in the broader story of Scripture), and then asking if there are Scriptural paradigms that might provide useful analogies when considering abortion. Regarding the first, Hays sees the symbolic world of the New Testament as affirming God as the creator of life, particularly citing John 1:3-5. Abortion, then, is seen as destroying God’s work: “Whether we accord ‘personhood’ to the unborn child or not, he or she is a manifestation of new life that has come forth from God. . . . we neither create ourselves nor belong to ourselves. Within this worldview, abortion—whether it be ‘murder’ or not—is wrong for the same reason that murder and suicide are wrong: It presumptuously assumes authority to dispose of life that does not belong to us.”<sup>10</sup>

Regarding his second strategy, Hays proposes three Scriptural examples that might serve as paradigms for the church in responding to an unplanned pregnancy. Hays begins with the Good Samaritan, using the parable to question the categories often used in discussing abortion. The occasion for the parable is a lawyer’s question—“who is my neighbor?”—prompted by the Old Testament command to love one’s neighbor (Deut 6:5, Lev 19:18). Where the lawyer was seeking to define limits to his compassion (whom was he required to love?), Jesus’ parable in effect taught that loving one’s neighbor means *being* a neighbor, which will include compassion even to those most difficult to love (including hated foreigners). In so answering, Jesus rejected the lawyer’s use of the category of neighbor, and recast the terms of the

discussion. Hays sees the self-justifying character of the lawyer's categories as analogous to the contemporary concern over whether or not the fetus is a "person." If we rule that the fetus is not a person, we thereby define the limits of our compassion, absolving ourselves of any responsibility for caring for the child. Hays concludes the section: "The Samaritan is a paradigm of love that goes beyond ordinary obligation and thus creates a neighbor relation where none existed before. The concluding word of the parable addresses us all: 'Go and do likewise.' What would it mean for our decisions about abortion if we did indeed take the Samaritan as a paradigm?"

The second example Hays offers as a paradigm is the description of the early Christian community in Acts 4:32-35. Applied to the abortion issue, the text's description of Christian community suggests two applications. First, it is the responsibility of the church to make sure that a woman in need has the resources of the Christian community (whether spiritual, economic, personal) behind her as she works through an unplanned pregnancy. Where too often the burden has been left to the woman alone, Acts 4 suggests crisis pregnancy is a community issue. Secondly, the church community should see to it that Christian fathers are not absolved of their responsibility for caring for woman and child simply because they can walk away. The Christian church should require Christian fathers to assume responsibility. In both these ways the Christian community can support a woman with an unexpected pregnancy.

The final example Hays proposes is Christ himself, particularly the texts that call the Christian community to imitate Christ (Rom. 15:1-7, 1 Cor. 11:1, Gal. 6:2, Phil. 2:1-13). In Hays' words "the call to 'imitate Christ' means that the community is to forswear seeking its own self-defined freedom in order to render service to others, especially the 'weak.'"<sup>11</sup> Again, the issue is the community bearing the burdens of those in need, as consistent with the example of Christ.

After a brief section in which he argues that Christian tradition is unified in its witness against abortion, Hays suggests six different lines of reasoning that Scripture rules out as invalid. First, because the notion is foreign to Scripture, abortion discussion should not be set up as an issue of "rights"—such as the right to life over against the right of a woman to control her body. Hays is clear that we are accountable to God for our decisions. Second, it is inappropriate to insist that abortion is a matter of individual choice: An act should be judged by whether it edifies the community and whether it faithfully witnesses to God's will. Third, the claim that life is sacred is unfounded in the New Testament: Rejecting abortion is not a matter of any inherent right to life, but rather a recognition that we have no claim to sovereignty



over life. Sovereignty over life is God's prerogative, not ours. Fourth, the questions concerning the personhood of the fetus or the beginning of life are inappropriate and cannot be answered by science or the Bible. Furthermore, such questions often serve to justify one's position rather than to seek true clarity. Fifth, the quality-of-life argument—that unwanted children should not be born—is likewise inappropriate because Jesus came to welcome the unwanted. The community of faith should seek the “quality of life” for all. Finally, Hays finds consequentialist arguments used against abortion (e.g., “What if Mary had aborted Jesus?”) both weak (e.g., “What if Hitler's mother had aborted him?”) and foreign to the concerns of the New Testament.

Concluding his section on the church's response to the abortion question, Hays claims that “though the New Testament gives no explicit prohibition, its portrayal of God as the author and giver of life creates a general presumption against any human decision to terminate life.”<sup>12</sup> For Hays, if the church faithfully adopted the worldview and paradigms of Scripture, then the need for abortion would decrease to almost nothing. Concerning possible exceptions, Hays judges that abortion would be a justifiable option for Christians in cases where rape or incest has occurred, or where the life of the mother was at stake. Returning to the situation of his friends Bill and Jennifer, Hays informs the reader that the couple went ahead with an abortion. In his assessment of the morality of their action, Hays writes: “While I believe that the witness of the New Testament should have tipped the balance the other way in this decision, I respect the difficulty of their situation and the moral gravity of their action. In a case where the New Testament offers us no clear instruction, it is perhaps inevitable that Christians will in good conscience reach different conclusions.”<sup>13</sup>

#### Seeking Scripture's Voice for the Unborn

Before addressing Hays' broader argument, a word concerning his introduction is warranted. Hays sets up the conflict surrounding abortion as follows:

On one side of the debate, “pro-life” advocates regard abortion as murder and are committed to stopping it by whatever means necessary, up to and sometimes including violent action against clinics and doctors performing abortions; on the other side, “pro-choice” advocates regard abortion as a right essential for women if they are to have dignity, equality with men, and freedom from oppressive social conditions.<sup>14</sup>

In his description of the “pro-choice” position, Hays is measured and circumspect. His characterization of “pro-choice” advocates, striving for dignity, equality, and freedom, suggests virtue. His description of the “pro-life” side, however, is less generous. Without drawing distinctions, Hays describes pro-life advocates as committed to stopping abortion by “whatever means

necessary.” Such a blanket statement is patently false. While there are opponents of abortion who have used or threatened violence, they represent a tiny minority, and such a statement ignores the public statements of many opponents of abortion repudiating any type of violent reaction.<sup>15</sup> The difficult, underappreciated, and nonviolent character of pro-life advocacy is most often the hard work of volunteer counselors who serve at financially struggling crisis-pregnancy centers. Although he qualifies his statement later in the essay, acknowledging that violence by anti-abortion activists is only occasional,<sup>16</sup> to set the essay up in this manner is misleading. Furthermore, Hays neglects to mention the obvious violence of abortion. To link the pro-life position with violence based upon the actions of a very small minority, while neglecting to mention the brutal violence associated with every act of killing an unborn baby,<sup>17</sup> is a massive distortion of the truth. At best, Hays’ description of the situation is irresponsible.

His introductory remarks aside, Hays’ essay contains some helpful Scriptural reflections on crisis pregnancy. By locating the matter within the Christian community, Hays helpfully argues that the problem of a crisis pregnancy is not simply a woman’s concern, but *our* concern. In other words, the fact that a woman might feel isolated and driven to abortion is not only a comment on her (and the man involved) but can also be a comment on the Christian community. In a country such as America where Christianity is often seen individualistically, Hays locates the problem where it belongs. The Christian community has an imperative to care for the needy in our midst. If one part of the body suffers, we all suffer (1 Cor. 12:26).

Hays’ treatment of the Good Samaritan is also helpful and relevant for his discussion, since the lawyer’s move to circumscribe the extent of his responsibility by seeking to categorize “neighbors” and “non-neighbors” is precisely the move that abortion advocates make when questioning the personhood of the unborn child, or “fetus.” No elaboration on the point is necessary—Hays made the point well enough—but it goes a long way in exposing why the terms of the discussion are often laid out in the way that they are in contemporary debate. We will return to this later.

Ironically, it is in the issue of *categories* that Hays’ discussion falters. At the beginning of his essay, he states that “our deliberation about these matters should not be constrained by the categories and norms of a secular pluralistic society,” lest we become “trapped by the way the world defines the issue.”<sup>18</sup> Yet Hays himself utilizes categories foreign to Scripture in a manner that precludes him seeing how the Scriptures speak directly and clearly to abortion. The most important category Hays imposes upon the Scripture is that of the unborn child, which has profound implications for the way

abortion is understood. If the Christian is to insist on not letting secular society define the terms of the debate, but rather work “within the categories offered us by Scripture” then the categories of “unborn child” and “born child” must be carefully examined.

In Scripture, people are distinguished by a variety of categories: Jew/Gentile, male/female, parent/child, priest/Levite, slave/master, distinctions between tribes, and the like. Closer to the discussion at hand, people are sometimes categorized linguistically in terms of their time of life—children, young men, elders, men, women, widows, young women/virgins, etc. Notably absent, however, is any term, in either the Old Testament (MT or LXX) or the New Testament, that sets the unborn child apart as a distinct category. Simply put, there is no word for “fetus” in the Bible.<sup>19</sup> A brief survey of several of the texts Hays cites in his discussion will illustrate the point.

The NRSV translation of Exodus 21:22-25, which Hays uses, reads as follows:

When people who are fighting injure a pregnant woman so that there is a miscarriage, yet no further harm follows, the one responsible shall be fined what the woman’s husband demands, paying as much as the judges determine. If any harm follows, then you shall give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe.

In the Hebrew text, the words “so that there is a miscarriage” read literally “and her children have come out.”<sup>20</sup> The point is important. If we are to insist on Biblical categories, then our discussion of the passage must revolve around children, not (in Hays’ language) “fetuses.” This simple recognition calls into question Hays’ inference that the passage may suggest a difference in the personhood between born and the unborn. Reading the text as referring to a child (rather than a miscarriage) opens the possibility of another interpretation, such as that offered by Umberto Cassuto:

The statute commences, *And when men strive together*, etc., in order to give an example of accidental injury to a pregnant woman and . . . the law presents the case realistically. Details follow: *and they hurt unintentionally a woman with child*—the sense is, that one of the combatants, whichever of them it be (for this reason the verb translated “and they hurt” is in the plural) is responsible—*and her children come forth* (i.e., there is a miscarriage) on account of the hurt she suffers (irrespective of the nature of the fetus, be it male or female, one or two; hence here, too, there is a generic plural as in the case of the verb ‘they hurt), *but no mischief happens*—that is, the woman and the children do not die—the one who hurt her *shall surely be punished* by a fine, *according as the woman’s husband shall lay*—impost—*upon him*, having regard to the extent of the injuries and the special circumstances of the accident; *and he* who caused the hurt shall pay the amount of the fine to the woman’s husband with judges . . . *But if any mischief happens*, that is, if the woman dies or the children die, *then you shall give life for life, eye for eye, etc.*<sup>21</sup>

While I think Cassuto's interpretation is truer to the language of the passage, my point is not that Cassuto is right and that the text can therefore be used to argue against abortion. The text is ambiguous enough not to carry so much weight.<sup>22</sup> My point, rather, is that to suggest a difference in status between the unborn and the born from this passage is not only speculative but goes against the text's plain language by imposing a category foreign to the thought of Scripture.

The second text explicitly referring to an unborn child is Luke 1:44, where Elizabeth tells Mary "the child in my womb leapt for joy." Hays contends that any attempt to use this text to speak of the personhood of the fetus "should not be dignified with the label 'exegesis.'"<sup>23</sup> Hays acknowledges that "the phrase 'the *child* in my womb' implies an attitude toward the unborn that is very different from speaking clinically of the fetus,"<sup>24</sup> but does not give his observation much weight, precisely because the text does not speak clinically. This, however, is precisely the point. The Scripture speaks of an unborn *child*. Must the Scripture speak of the "fetus" in a clinical manner in order for it to speak a clear word concerning the unborn? Rather than seeking to use the categories offered in Scripture, Hays insists that Scripture conform to *our* categories (and hence worldview) in order to speak a clear word in this matter. If the attitude of Scripture toward unborn children is that of *children*, are we not called to share in that same attitude, rather than adopting the world's definitions and attitudes? It would seem that adopting both the language and the attitude of Scripture is the way forward in the church's effort "to frame its moral reflection within the categories offered to us by Scripture."

The same kind of confusion is apparent in Hays' treatment of Psalm 139. In referring to the poetic language of God's creating the psalmist in the womb, Hays states that the passage is of limited value to the discussion, cautioning that it "must be interpreted within the poetic genre to which it belongs, not as a scientific or propositional statement."<sup>25</sup> Again, the question: Why must the Bible speak in a scientific or propositional manner in order to speak of the unborn? Does the Bible have to speak in scientific and propositional language to convey truth? Surely Hays does not believe this—his use of the Good Samaritan, a parable given in answer to a direct question, shows that he sees the Bible conveying truth through figurative language. Given that Hays later speaks of the question of "personhood" as inappropriate, why must the statements of God knitting the psalmist together in the womb be ruled out as having significant relevance?

Other texts could be cited (e.g., Hos. 12:3; Ruth 1:11; Jer. 20:17). Scripture clearly and plentifully speaks about the unborn as children.<sup>26</sup> Understanding

abortion within the categories given by Scripture, called for by Hays, requires that we view unborn children with the categories and attitudes given there. Hays himself writes: "It is inappropriate to approach the issue of abortion by asking, "When does human life begin?" or "Is the fetus a 'person'?" . . . There is no basis in Scripture for answering—or indeed even asking—such questions."<sup>27</sup> Given that Hays himself rejects an appeal to personhood, it is curious that he requires Scripture to speak *in precisely those terms* if he is to allow it a clear voice in the matter.

If the category of the "fetus" is abandoned in favor of "children," the Scripture can be seen speaking as directly concerning abortion as it does to taking the life of other human beings. Surely the command "thou shalt not murder" applies to children as it does to adults. Given that Scripture sees both born and unborn children as children, with no qualitative distinction between them, should not the command extend to the unborn child as fully as to other children? Or to put it another way, if in an effort to conform more closely to Scripture, Christians in common language replaced the word "fetus" with the word "child," how would that affect our reading of the Sixth Commandment and other similar Scriptures vis-à-vis abortion? If the popular distinction between born and unborn is rejected, then all the commands concerning the protection of the weak, the fatherless, and the innocent (commands which run through the entire Scripture) would apply *directly* to the unborn. Yet Hays' central contention that Scripture is essentially silent on the subject of abortion is based squarely upon his insistence that the Scriptures he cites be read according to the modern categories of fetus/child. The terms of the discussion are everything, which is why Scriptural categories are so important. To frame the discussion in different terms will, of course, lead down a different road. Hays rightly charges the church not to conform to the categories of the world, yet fails to follow his own proposal. In fact, this presupposition of the New Testament's silence on the matter allows Hays to give greater weight to tradition, reason, and experience, which has the effect of making the issue far more complicated than it ought to be. Hays' ultimate acceptance of Bill and Jennifer's decision to abort their baby is simply the logical outworking of his belief that the New Testament is silent—a presupposition he maintains because he conforms to unbiblical categories and thought.

Despite his assertion that Scripture does not speak directly to abortion, Hays still finds (indirect) Scriptural grounds for opposing abortion, particularly in his emphasis that life is a gift from God. The power of this argument is, however, greatly diminished, for two reasons. First, in arguing that life is a gift from God, Hays rejects the notion that life has any inherent value,

calling the sacredness of life a “sacred cow that has no basis in the New Testament.”<sup>28</sup> Hays elaborates his point by quoting Stanley Hauerwas:

The Christian prohibition against taking life rests not on the assumption that human life has overriding value but on the conviction that it is not ours to take. The Christian prohibition of abortion derives not from any assumption of the inherent value of life, but rather from the understanding that as God’s creatures we have no basis to claim sovereignty over life. . . . The Christian respect for life is first of all a statement, not about life, but about God.<sup>29</sup>

This contention is curious, particularly when juxtaposed with the following:

And for your lifeblood I will require a reckoning: from every beast I will require it and from man. From his fellow man I will require a reckoning for the life of man. Whoever sheds the blood of man, by man shall his blood be shed, for God made man as his own image. (Gen. 9:5-6)

Genesis is saying that God will call to account those who murder, and then gives the grounds for His special concern for human life: Mankind is made as the image of God (cf. Genesis 1:26).<sup>30</sup> In other words, human life is sacred because it is made as the image of the One whose name is Sacred.<sup>31</sup> This simple fact makes human life special. In other words, the sacredness, or sanctity, of life, is not simply a poignant political phrase or a “sacred cow,” but actually a deeply Biblical expression that gets to the essence of why human life is so important to God. Human life *does* have intrinsic value, precisely because it is the image of the One who is ultimately valuable. By asserting that “the Christian prohibition of abortion derives not from any assumption of the inherent value of life,” Hauerwas and Hays miss the central reason that human life is important, and therefore miss Scripture’s most important rationale for protecting human life.

And although Hays (rightly) argues that life is a gift from God, he fails to follow his argument to its logical conclusions, particularly in the more difficult cases. I quote the following by way of illustration:

To terminate a pregnancy is not only to commit an act of violence but also to assume responsibility for destroying a work of God, “from whom are all things and for whom we exist” (1 Cor. 8:6). To put the matter in these terms does not presume any particular decision about when the fetus becomes a “person.” Whether we accord “personhood” to the unborn child or not, he or she is a manifestation of new life that has come forth from God. . . . There might be circumstances in which we would deem the termination of such life warranted, but the burden of proof lies heavily upon any decision to undertake such extreme action. . . . To understand ourselves and God in terms of the Bible’s story is to know that we are God’s creatures. We neither create ourselves nor belong to ourselves. Within this worldview, abortion—whether it be “murder” or not—is wrong for the same reason that murder and suicide are wrong: It presumptuously assumes authority to dispose of life that does not belong to us.<sup>32</sup>

Hays' contention that abortion is destroying a work of God, the giver of life, is important. Yet here Hays makes a distinction, saying that *some* extreme circumstances would justify abortion, despite his contention that life belongs to God. Thus the question: What circumstances would justify extinguishing the God-given life of an unborn child? Or, to put it another way, given that life comes from God, what is the difference between the life of the unborn child and the life of the born child that would warrant the more resolved protection of one over the other?

The exceptions to which Hays refers are when a pregnancy may threaten the life of the mother, or when the child was conceived as a result of rape or incest. In Hays' words,

Particularly in the latter case (rape or incest), the argument to justify abortion rests heavily upon experiential warrants: We recoil instinctively from requiring a young woman to bear the burden of a child conceived through an act of violence against her. As I have already indicated, such an appeal to experience carries considerably more weight in theological argument in a case—such as this one—where there are no direct New Testament teachings on the subject. My own view would be that such exceptions are certainly justifiable options for Christians.<sup>33</sup>

While recognizing the horrible circumstances surrounding a child conceived in rape, it is difficult to see how even the most tragic of circumstances alters the fact that life, both of mother and child, is life given by God. Here Hays appeals to experience in his judgment that abortion is justifiable in such a case. Yet to what experience does Hays appeal? To base one's argument on experience would seem to entail finding women who have been victimized by rape (some of whom have brought the babies to birth, some of whom have chosen to abort them), and inquiring as to their experience and their feelings concerning their decisions. Would the women be united in wishing they had undergone abortion, or in wishing they had given birth to their babies, or even have a clear idea themselves in retrospect? Are we to seek the experience of Christian women or non-Christian women, or both? Can it be said that experience (which will of course differ from person to person) offers a coherent basis from which to make such a grave judgment?<sup>34</sup> That we are fallen creatures with impaired moral judgment makes the appeal to experience even more problematic. Formally, Hays acknowledges the inadequacy of experience, writing that "the various claims and counterclaims [of experience] prove so inconclusive,"<sup>35</sup> yet, practically, he gives great weight to experience, particularly in these difficult circumstances. Hays' insistence that Scripture is ultimately silent on abortion is keenly felt here, for the particularly difficult cases are the ones where the guidance of Scripture is *most* needed, just as light is most urgently needed

where the road ahead is darkest.

The practical outworking of Hays' appeal to experience is again seen in his reflection on the situation of Bill and Jennifer, who ultimately decided to take the life of their handicapped child. In Hays' words, "here we confront a painfully difficult problem in which the strong general presumption of Scripture and tradition against abortion must be weighed against the heavy personal costs of bringing such a child to birth." Two comments are relevant here. First, the personal cost of bringing a child with Down's Syndrome to birth are usually no different from bringing any other child to birth. The majority of children with Down's Syndrome come to birth quite normally. The heavy personal costs—both emotional and financial—more often come *after* the baby is born. To suggest that Down's Syndrome is a pre-birth dilemma is to evade the issue—Down's babies are most often aborted because of the effect they will have in a family *after* they are born. The only reason that it becomes a pre-birth issue is that we have convinced ourselves that it is acceptable to kill unborn children, or "fetuses," but not born children. In other words, it is precisely the quality-of-life argument that Hays rejects in theory earlier in his paper:

Even worse is the "quality of life" argument that advocates abortion by declaring that "no unwanted child should ever be born." Unwanted by whom? The mother? The argument proves too much and readily slides into an argument for infanticide among the poor. The whole historic witness of Jesus and the community he founded has been to receive and love the unwanted, not to recommend that they be terminated, "put out of their misery" through death. The community of faith should commit itself to seeking "quality of life" for all who are born into the world, whether their parents want them or not.

Given Hays' categorical rejection of any quality-of-life argument, why then does he suggest that Bill and Jennifer might be justified in their decision for abortion? According to Hays' account, Bill and Jennifer had decided to have their baby before they discovered the baby had Down's Syndrome. The issue, then, that caused Bill and Jennifer to decide finally to have an abortion was *precisely* a quality-of-life issue. Rather than having to do with life *in utero*, this decision was made based upon quality of life (and here Hays speaks more of the quality of life of the *parents*) outside of the womb.

And is not the Christian Gospel about laying down one's life for the brethren? Is it not about living a life of sacrifice in service of God and others, particularly the weak? Are not "the heavy personal costs" precisely what God calls His people to bear, individually and communally? Hays' argument seems to deny both the call to live sacrificially and God's blessing when we do. Given his emphasis on the cross and his call to imitate Christ,



particularly on behalf of the weak, it is difficult to understand his conclusion: "While I believe that the New Testament should have tipped the balance the other way on this decision, I respect the difficulty of their situation and the moral gravity of their action. In a case where the New Testament offers us no clear instruction, it is perhaps inevitable that Christians will in good conscience reach different conclusions."<sup>36</sup>

But it is one thing to acknowledge the difficulty of Bill and Jennifer's situation; it is quite another to imply that their choice for abortion is a legitimate Christian option. To respect "the moral gravity of their action," whatever that means, does not justify that action. To query, as Hays does, whether abortion might be a "necessary choice" in this circumstance is a betrayal of the Gospel, even as Hays himself expresses it.

#### Practical Proposals

Calling Hays' appeal to experience inadequate is, of course, not helpful in the absence of an alternative. How would locating ourselves more firmly in the worldview of Scripture inform our judgment in the matter, and particularly in the difficult circumstances of rape or incest? The assumption that the woman would be better off killing the child is not supported by Scripture, but utterly constrained by the reasoning of the world. Here the type of paradigmatic thinking that Hays employs in his treatment is particularly helpful. To locate the circumstance in Scripture might be to remember that God is a God who brings good out of evil, as Joseph remembered when he said to his brothers "you meant evil against me, but God meant it for good" (Gen. 50:20). God has done it in the past and he will do it in the future: "And we know God works all things together for the good of those who love him, who have been called according to his purpose" (Rom. 8:28). In other words, it is vital to remember that the God we know in Scripture brings good through even the darkest of circumstances, a message that must be sensitively and confidently brought to any woman in a crisis pregnancy, particularly if she has suffered a rape. Some, of course, may see such reasoning as insensitive or unrealistic. Yet, is not this the essence of faith: believing what we cannot see, and trusting God as we seek to follow His guidance? Is faith not "the assurance of things hoped for, the conviction of things not seen" (Heb. 11:1)? Put another way, why compound the already terrible problem of rape by killing the child? If we are going to step meaningfully into the world of Scripture, these are precisely the questions that must be asked. The assumption that abortion makes the best of a bad situation shows how little we really know of faith.

Does it seem ridiculous to suggest that it might be best *for the woman's*

*sake* to bring the baby to birth than to abort her? While again the suggestion may, to some, seem strange, insensitive, or unrealistic, for those who believe that God works all things together for good for those who love Him, it is simply an affirmation that, in the way God works things together, what is best for the baby will also be what is best for the mother. What is best for the baby is obvious, and it is never abortion. What is best for the mother may not seem so apparent, perhaps only seen by faith. This does not mean that bearing a baby conceived in rape will not be hard and painful. Nor does it assume anything regarding what should happen once the baby is born (such as whether or not the baby should be adopted). It is simply a way to help a woman not to be overcome by evil, but to overcome evil with good (Rom. 12:21).

This is, of course, a call for the community of faith to step up sacrificially on behalf of the woman and the child. Here is where I find Hays most helpful in his discussion of abortion—reminding the church of the too-often-forgotten truth that abortion is a community issue. Does the woman need a place to live, short or long term, in order to bear the baby, or bear and subsequently raise the baby? Who in the church will open their home? Is the woman in need of financial help? Who has an abundance to help her in her need (2 Cor. 8:13-14)? Will the baby need to be adopted? Who will take him in? Does the father need to be called back into this circumstance by other men in the church, or assisted in some way to support the mother and baby? These are all concerns that the church can address. In other words, in seeking to follow the Scripture's guidance in this matter, the mother's concern, the father's concern, and the child's concern become *our* concern.

Hays argues this point precisely, retelling William Willimon's account of a group of ministers debating abortion. The dialogue, which begins with the testimony of a black minister concerning a pregnant teenager, bears repeating:

"We have young girls who have this happen to them. I have a fourteen-year-old in my congregation who had a baby last month. We're going to baptize the child next Sunday," he added.

"Do you really think that she is capable of raising a little baby?" another minister asked.

"Of course not," he replied. "No fourteen-year-old is capable of raising a baby. For that matter, not many thirty-year-olds are qualified. A baby's too difficult for any one person to raise by herself."

"So what do you do with the babies?" they asked.

"Well, we baptize them so that we all raise them together. In the case of that fourteen-year-old, we have given her baby to a retired couple who have enough time and enough wisdom to raise children. They can then raise the mama along with her baby. That's the way we do it."<sup>37</sup>

This kind of testimony shows how faithfulness to Scripture need not be inconsistent with an appeal to experience.

If the above analysis is correct, and the Bible does speak clearly on the matter of abortion, what is the practical effect? I want to suggest several implications for the life of the church. First, if unborn children are seen simply as children, then it follows that God is very serious about abortion, and does not see it differently than any other shedding of innocent blood (e.g., Jer. 22:3). The issue needs to be in the foreground of the church's understanding of what it means to live as a faithful people who are concerned to do justice, love mercy, and walk humbly with God (Micah 6:8). The fact that 1.5 million babies are killed annually in the United States alone means that the issue is not far off, but in fact very near. Isaiah's exhortation to Israel is relevant today: "Seek justice, correct oppression; defend the fatherless, plead for the widow" (Is. 1:17). Who are the fatherless? Might not they include unborn babies whose fathers have left, leaving the mother alone with the baby and all that surrounds childbearing and childrearing, or those babies whose fathers seek to deal with the "problem" through encouraging (or sometimes insisting upon) abortion? Who are the widows? Might not they include the many pregnant women in crisis pregnancies who find themselves alone and vulnerable, like the widow of whom Scripture speaks? The different ways the Christian community might go about correcting oppression, defending the fatherless, and pleading for the widow are very important questions, but perhaps beyond the scope of this discussion (although some ways have been suggested already). Suffice it to say at this point that the Christian church is not given the option of simply sitting back.

Second, it is important for the church to remember that the issue includes *both* the fatherless and the widow. Too often the discussion gets set up as a conflict between the best interests of the woman and the best interests of the child. Scripture would say that God works together for the best of both. The welfare of the mother should be as important to the church as the welfare of the baby. Where the welfare of the mother is not also squarely in view, the church loses its authority to speak in the matter.

Third, understanding unborn children as *children* should clarify the church's position on abortion. Too often abortion is approached as an unfortunate matter with valid points on both sides. When the Israelites were engaged in child sacrifice (Jer. 32:35, Ezek. 16:20), it is not difficult to imagine that some rather vigorous debate took place within the covenant community concerning the morality of the practice. It is difficult, however, to imagine the faithful Israelite deciding that there was merit on both sides, and remaining in a state of ambivalence. Rather, the prophets were decisive in their

denunciation of the practice, and left no room for ambiguity. Without belittling the difficulty of crisis pregnancies in people's lives, the church must respond with a clear word. In fact, it is precisely because circumstances surrounding crisis pregnancies can be so difficult that the church must be clear. While there may be a place for debate, under particular circumstances, God's word concerning children is primarily a matter to be proclaimed and acted upon.

Fourth, if the church would take on the worldview of Scripture that the unborn are children, we would do well, insofar as possible, to adopt the language of Scripture. Language, as we have seen above, can be used to conceal things, or bring them into the open, and is powerful in forming our perception of truth. Euphemisms such as "terminating a pregnancy," "fetus," and even "abortion"<sup>38</sup> should be avoided. Such language tends to cloud the truth, both for ourselves and for those to whom we speak. For the sake of public discourse, such euphemisms should be exposed, then abandoned.

Finally, any proclamation that the unborn are children must be brought hand in hand with the Gospel. There are too many people who have been involved in abortion one way or another not to realize that abortion is a painfully personal discussion for many. No one can hear the truth concerning abortion unless he or she has ears to hear. For those who have been involved in abortion (whether undergoing one or enabling one in some way), it will often be too painful to admit they have participated in taking the life of a child, unless they can understand that God forgives abortion. It is therefore imperative that the Scriptural truth concerning forgiveness and restoration be kept at the center of the discussion: "If we confess our sins, he is faithful and just to forgive us our sins and cleanse us from all unrighteousness" (1 John 1:9). For many, abortion is not a head issue, but a heart issue. If one does not have a sense that he can handle the guilt of admitting the truth concerning abortion, it is easier to hide behind arguments. The Gospel must be brought to the forefront. This recognition is another way of allowing Scripture to mold our reflections.

Clearly, approaching the issue of abortion from a Scriptural perspective is a far more encompassing task than is often understood, and yet imperative if the church is going to respond faithfully to the issue, both in word and in deed.

One final thought concerning a Christian response to the reality of abortion. Roughly 45 million children have been killed due to abortion since 1973 in the United States. Assuming that the mother and the father were both parties to the death of the child (as is often the case), then 90 million people have been involved in abortion. There are, of course, abortionists

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and clinic workers, those who fundraise for organizations that promote abortion, and others, adding to the number, as well as women who may have had multiple abortions, subtracting from it. The exact numbers are not really important, save that they bring to mind the vast extent of the problem—there are millions of people in the United States who bear the guilt of abortion. The practical implication for the church? Here is a tremendous opportunity for the sharing of the Gospel. If one were to put it into the perspective of a missionary, it could be said that there is a people-group in the United States well over 100 million strong joined by a common experience of being involved in abortion, some of whom may have turned away from God simply because they believe that they have forfeited their place with Him. In other words, the church's call in responding to abortion is not only in defending the unborn and supporting their parents, but to bear witness to the world that "there is now therefore no condemnation for those who are in Christ Jesus" (Rom. 8:1). I have heard it best said by a father of six:

The challenge for the Christian churches: Make sure that 80 million or more people in this country, and hundreds of millions throughout the world, hear the Good News, and make sure they hear, specifically, that it is Good News for people who have killed their own children. To many, it will be very Good News that God, the Creator, knows them and knows their sin—and that He loves them! Our sin does not change the fact that God loves us! It is very good news that Jesus died for the sins of the world, and that we can stand in the presence of the living God, forgiven and free, with a new life bound up in the life of our risen Lord and Savior. People need to hear this, and people whose lives have been destroyed by the sin of abortion will at least listen to the message of forgiveness. They know abortion not as an abstraction, but as the father or mother of a slain child knows it, and they need the kind of help they can find only in the Gospel, only in Jesus.<sup>39</sup>

How best to reach such people is a matter for much thought and prayer, but the opportunity is there for the taking (Eph. 5:16, Col. 4:5).

## NOTES

1. Richard B. Hays, *The Moral Vision of the New Testament* (Edinburgh: T&T Clark, 1997), 444-461.
2. I do not assume that Hays himself would call his position "pro-choice." Whether or not this is a fair designation of Hays' position I leave for the reader to decide.
3. Hays, 457.
4. "Books of the Century" in *Christianity Today*, vol. 44, No. 5 (April 24, 2000), p. 92. CT's list was the result of a survey of religious leaders.
5. Hays, 445.
6. Hays, 445.
7. Hays, 445.
8. Hays, 445. While primarily concerned with New Testament ethics, Hays' treatment of abortion uses the Old Testament as well.
9. For Hays' treatment of the Biblical "prooftexts," see 446-448.
10. Hays, 450.

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11. Hays, 452.
12. Hays, 456-7.
13. Hays, 457.
14. Hays, 444.
15. E.g., the 1994 statement of Fr. Frank Pavone, director of Priests for Life: "The shooting of abortionists is wrong." Later, in 2000 (after Hays' work was published), Pavone declared that "Priests for Life strongly condemns violence against any abortion provider, and is saddened to hear of the stabbing of [abortion provider] Dr. Gary Romalis." In fact, in 2001 Priests for Life offered \$50,000 to anyone who might provide information leading to the arrest of those involved in shooting abortionists. The offer was made on April 4, 2001, precisely in recognition (and admiration) of the nonviolent work of Martin Luther King Jr. See <http://www.priestsforlife.org/articles/rejectviolence.htm>.
16. Hays, 458.
17. Hays, 450, mentions abortion violence, almost in passing, when speaking of abortion as destroying God's work. Curiously, Hays is clear that anti-abortion violence is "incompatible with the Gospel" (458), but is willing to view certain cases of abortion violence as "justifiable options for Christians" (456). Why he allows for violence in one case and not the other is never addressed.
18. Hays, 445-46.
19. "MT" is the Masoretic Text (Hebrew); "LXX" is the Septuagint (Greek). "Fetus" is a Latin word that means offspring.
20. That many contemporary English Bibles translate the words *weyatse'u yeladeyha* with "there is a miscarriage" is itself an example of how our modern Western worldview differs from that of the Bible. The Hebrew phrase brings the *child* into the foreground, whereas the English rendering hides the child from view, focusing instead on an *event*, the miscarriage. While this may seem a small point, it is exactly the same move made by many who seek to justify abortion by minimizing or removing altogether the presence of the child, whether by declaring the child a non-person, or by refusing to refer to the child altogether. It is for this reason that one never sees advocates of abortion rights publicly refer to the unborn child as a child or baby. If the child is referred to at all, it is always as a "fetus," "embryo," or similar terms. Likewise, it is much easier to speak of the termination of a pregnancy, or even an abortion (both of which do not refer to the child, but to an event), rather than the killing of a child or baby (which again brings the child into view).
21. Umberto Cassuto, *A Commentary on the Book of Exodus*, trans. Israel Abrahams (Jerusalem: Magnes Press, 1967), 275.
22. Even if the text is speaking of a child who has died in "coming forth," there is still reason to question the inference that the child was considered less important because the punishment was less severe. Biblically there is a great difference between intentional and unintentional sin. The intentional sin is covered by sacrifice (Lev. 4:2, 13, 22, 27), the defiant sin requires the offender to be "cut off" from his people (Num. 15:22-31). The intentional murderer is to be condemned to death, while the one who kills unintentionally may flee to a pre-appointed city of refuge (Exod. 21:12-15). One could reasonably assume that the death of an unborn child would be the unintended consequence of striking the woman (which itself appears unintentional here as well), and therefore not liable to capital punishment. Whether or not this legal distinction concerning intentionality is behind the law of Exod. 21:22-25, it is nonetheless a plausible possibility, which should give us pause before using this text to suggest a distinction between born and unborn children.
23. Hays, 448.
24. Hays, 448, italics original.
25. Hays, 447.
26. In places figures of speech are used, such as "fruit of the womb" (Is. 13:18; Ps. 127:3), or "cherished ones" (Hos. 9:16). Genesis 25:23-24 refers not only to twins, but to nations in the womb.
27. Hays, 455, cf. 451.
28. Hays, 454.
29. Hays 454-55. Hays quotes from Hauerwas, *A Community of Character: Toward a Constructive Christian Social Ethic* (Notre Dame, Ind.: University of Notre Dame Press), 225-26.
30. For a defense of the translation "as the image of God" see David J.A. Clines, "The Image of God

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- in Man," *Tyndale Bulletin* 19 (1968), 51-103.
31. Isaiah 57:15: "Thus says the high and lofty one, whose name is Holy. . . ." The traditional English rendering "holy" could just as easily be rendered "sacred," for both are faithful renderings of the same Hebrew root, *qadosh*.
  32. Hays, 450.
  33. Hays, 456. Since Hays focuses on the case of rape, rather than the life of the mother, I will follow him by addressing his argument concerning rape.
  34. On how experience might function in the church in a manner consistent with Scripture, see below.
  35. Hays, 455.
  36. Hays, 457.
  37. Hays, 459.
  38. Although itself a euphemism, because of its currency the word "abortion" is a more difficult term to avoid in general discussion.
  39. Peter Barry, "80 Million Need to Hear," *The Mountainsky Journal*, website address <http://www.mountainsky.com/Journal1999/Doc013.htm>. The last point of this essay is taken from Barry's article.



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# Partial-Birth Abortion on Trial

*Cathy Cleaver Ruse*

In the spring of 2004, tens of thousands of people came to Washington, D.C., for a so-called “March for Women’s Lives.” Organizers explained that their purpose was to protest the new threats to “choice,” chief among them, the ban on partial-birth abortion.

Hollywood celebrities like Whoopi Goldberg were on the roster, as were a long list of “Honorary Congressional Co-Sponsors” such as Barney Frank and Barbara Boxer. Senator John Kerry aired a special campaign commercial that week promising to defend “the right to choose” and even hosted a “pro-choice” rally before the march.

As the preparations to defend “choice” reached a crescendo in Washington, court reporters in federal courtrooms across the country were quietly recording testimony about what that bloodless word really entails.

## The Partial-Birth-Abortion Ban

In November 2003, President George W. Bush signed the Partial-Birth Abortion Ban Act, which outlaws partial-birth abortion except where “necessary to save the life of a mother.”<sup>1</sup> This law defines partial-birth abortion as “an abortion in which the person performing the abortion—(A) deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or, in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus; and (B) performs the overt act, other than completion of delivery, that kills the partially delivered living fetus.” Violation of the law subjects an abortion doctor to fines and possible imprisonment up to two years, or both.

This is a most modest limitation on the otherwise unlimited right to abortion. But no prosecutions have been launched under it, because—immediately upon its enactment into law—the giants of the abortion lobby filed suit. The focus of this article is the trials that ensued.

Never in the years since *Roe v. Wade* has such extensive evidence about the practice of abortion been placed in a public record—and it has been

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placed there by abortion doctors themselves.

When partial-birth abortion was first discussed in public, many people refused to believe it existed. Some in the “pro-choice” movement even accused the pro-life movement of fabricating it. Yet it was no fabrication: Dr. Martin Haskell discussed the procedure in detail at a 1992 conference of abortion providers in Dallas, Texas, titled, “Second Trimester Abortion: From Every Angle.”<sup>2</sup> His paper stated that he “routinely performs this procedure on all patients 20 through 24 weeks LMP”<sup>3</sup> and uses the procedure through 26 weeks “on selected patients.”<sup>4</sup>

As Dr. Haskell’s description of the procedure became more widely known, and the existence of partial-birth abortion could no longer be denied credibly, proponents of the method made new claims. They claimed it was extremely rare, or used only in emergencies, or that the baby is already dead when it is performed. But these claims, too, collapsed in the face of investigative reports by the *American Medical News*,<sup>5</sup> the *Record* (Bergen, N.J.),<sup>6</sup> and others.<sup>7</sup> In fact, in 1997 the Executive Director of the National Coalition of Abortion Providers admitted publicly that the method was actually common, not rare, and that the vast majority of these abortions are done on a healthy mother with a healthy fetus that is 20 weeks or more along.<sup>8</sup>

Despite these admissions and revelations, abortion activists continued their public-relations campaign to cast partial-birth abortion as a rare, emergency procedure, and a necessary part of the virtue of “choice”—a virtue to be protected against politicians who would intrude between a woman and her doctor (and, where politically expedient, “her god”).

When the Partial-Birth Abortion Ban Act was signed into law, Planned Parenthood, the National Abortion Federation, and a number of abortion doctors aided by the American Civil Liberties Union challenged its constitutionality in federal lawsuits filed in New York, Nebraska, and California. Each suit, naming U.S. Attorney General John Ashcroft as the defendant, claimed the ban violated the fundamental constitutional right to abortion and sought a permanent injunction against its enforcement. Temporary injunctions were granted and, pursuant to a negotiated expedited trial schedule, all trials commenced in March 2004. At the conclusion of the trials, each district court ruled against the Partial-Birth Abortion Ban Act. At the time of publication, each ruling is under appeal by the Department of Justice.

While much can be said about the legal claims at issue in the trials, the purpose of this article is to provide the abortion doctors’ testimony—in effect, to let the testimony speak for itself. Each trial presented similar claims and similar testimony amounting to many thousands of pages of transcripts.<sup>9</sup> This article will focus on the trial in the Southern District of New York brought

by the National Abortion Federation and several abortion doctors.<sup>10</sup>

The New York trial was presided over by Judge Richard Conway Casey. Judge Casey, appointed to the federal bench by President Clinton, was not a judge from the pro-abortion-activist mold. He pressed the abortion doctors on the stand to use plain language when discussing their acts, he probed them about fetal pain, and he refused to let the plaintiffs' lawyers dictate the terms of trial. Because of Judge Casey, the New York trial testimony is the richest and most extensive of the three.

The plaintiffs' witnesses have long careers in abortion, and their association with seemingly reputable medical schools and hospitals came as a surprise to the authors. Their testimony was brutal.<sup>11</sup> Much of the testimony includes technical medical terms or, in some cases, what seem to be hyper-technical descriptions of otherwise common acts, such as "disarticulate the calvarium" rather than "cut off the head."

Some terms bear explaining. When referring to partial-birth abortion, plaintiffs' witnesses use the terms Dilation and Extraction (D&X), Intact Dilation and Extraction (Intact D&X), or Intact Dilation and Evacuation (Intact D&E). Each of these terms refers generally to the delivery of a substantial portion of the unborn child before the child is killed. This is in contrast to the dismemberment method known as Dilation and Evacuation (D&E) where the child is dismembered inside the womb and taken out piece by piece.

For the abortion industry and their activist allies, an ultimate win in these legal challenges might prove to be a Pyrrhic victory. While the cases involve legal claims about statutory defects and the like, the admissions made in pursuit of these claims, and their astonishingly graphic nature, put partial-birth abortion—and even the abortion industry itself—on trial.

One claim against the law was that its definition of partial-birth abortion was too broad and therefore encompassed more than one particular procedure. In order to show that many procedures fall within each element of the definition of partial-birth abortion—including "performing an overt act that the person knows will kill [the baby]"—plaintiffs presented abortion doctors who described the various purposeful steps they take that they know will kill a baby.

Another claim by the plaintiffs was that the issue of fetal pain is irrelevant. In order to diminish the powerful expert testimony that partial-birth abortion causes "prolonged and excruciating pain" to the unborn child, plaintiffs used their cross-examination to make the point that other methods of abortion at this stage would be quite painful too, and perhaps even more so.

Plaintiffs' central claim at trial was that banning partial-birth abortion except in life-threatening circumstances would limit doctors' ability to use

the safest and most beneficial method of second-trimester abortion. While plaintiffs' experts acknowledged that the dismemberment method is used in 95 percent of second-trimester abortions,<sup>12</sup> they nevertheless claimed that partial-birth abortion is actually safer than dismemberment abortion. There was, therefore, substantial testimony about the comparative health risks and benefits of partial-birth abortion and dismemberment abortion. For example, plaintiffs' experts testified that uterine perforation is one of the most dangerous abortion complications, and that the dismemberment method requires more forceps passes into the uterus and therefore presents a greater chance of uterine perforation than partial-birth abortion.<sup>13</sup> They also testified that the dismemberment method exposes the cervix to fetal bone and skull fragments, and that this, too, presents a greater risk of uterine perforation and infection than partial-birth abortion.<sup>14</sup> Plaintiffs' experts testified that the retention of fetal parts in the uterus is a complication more likely in dismemberment abortions, and that such retention threatens infection, hemorrhage, and infertility.<sup>15</sup> They testified that dismemberment abortions require a longer time to perform than partial-birth abortions and thus increase the risks associated with exposure to anesthesia, infection, and bleeding.<sup>16</sup> Plaintiffs' experts also claimed that partial-birth abortion may be safer for women with certain medical conditions such as bleeding disorders and compromised immune-system conditions.<sup>17</sup>

The Government, however, was not able to test any of these claims made by plaintiffs' experts against the hard evidence of their medical records, as is customary in federal cases involving medical claims, because each time medical records were subpoenaed they were refused. Plaintiffs' witnesses testified that their records were under the control of the hospitals where they worked, and the hospitals refused to produce the records based upon a wholly fabricated federal "abortion records" privilege. The hospitals even filed suit in federal court to avoid having to comply with the subpoenas. Ultimately a federal appellate court ruled that the right to "privacy" protected the hospitals from having to produce the abortion records, despite the fact that patient names and other identifying information would have been redacted.

Government experts nevertheless disputed each of the plaintiffs' claims about the medical benefits of partial-birth abortion. Some of the claims were disputed on the grounds that the claimed benefit was purely hypothetical or theoretical; others, on the basis that partial-birth abortion would actually present a greater risk of harm.<sup>18</sup> Regarding maternal medical conditions, Dr. Steven Clark, a professor of obstetrics and gynecology at the University of Utah School of Medicine and director of obstetric education and research at the LDS Hospital in Salt Lake City,<sup>19</sup> testified that "there simply . . . remains

no . . . maternal medical condition for which D&X would be necessary to preserve the life or health of the mother. There are always equally if not more safe alternatives that do not involve D&X.”<sup>20</sup>

The importance of the testimony as a whole cannot be overstated, for it is nothing less than a collection of admissions by the abortion industry, under oath, about the reality of abortion.

#### Performing a Partial-Birth Abortion

Each of the plaintiffs’ witnesses was well-versed in the grisly art of abortion. Dr. Timothy Johnson, a plaintiff in the case, is chair of the department of obstetrics and gynecology at the University of Michigan Medical School. He has performed second-trimester dismemberment abortions and observed partial-birth abortions, and was offered as an expert witness for the plaintiffs.<sup>21</sup>

Dr. Johnson testified from his own experience about performing dismemberment abortions, and gave his opinion about the partial-birth abortions he had observed. Dr. Johnson described observing how doctors who did partial-birth abortions “used a crushing instrument to deliver the head.”<sup>22</sup> This provoked further questions from Judge Casey:

THE COURT: Can you explain to me what that means.

THE WITNESS: What they did was they delivered the fetus intact until the head was still trapped behind the cervix, and then they reached up and crushed the head in order to deliver it through the cervix.

THE COURT: What did they utilize to crush the head?

THE WITNESS: An instrument, a large pair of forceps that have a round, serrated edge at the end of it, so that they were able to bring them together and crush the head between the ends of the instrument.

THE COURT: Like the cracker they use to crack a lobster shell, serrated edge?

THE WITNESS: No.

THE COURT: Describe it for me.

THE WITNESS: It would be like the end of tongs that are combined that you use to pick up salad. So they would be articulated in the center and you could move one end, and there would be a branch at the center. The instruments are thick enough and heavy enough that you can actually grasp and crush with those instruments as if you were picking up salad or picking up anything with—

THE COURT: Except here you are crushing the head of a baby.

THE WITNESS: Correct.<sup>23</sup>

Another of plaintiffs’ expert witnesses was Dr. Marilyn Fredriksen, an associate professor in clinical obstetrics and gynecology at Northwestern

University Medical School. In establishing her expertise on the issue of abortion, plaintiffs' attorney asked her how many dismemberment abortions she has done in her career. She answered, "I really don't know, but probably thousands." "Thousands, plural?" Judge Casey queried. "Thousands, plural," she answered.<sup>24</sup>

Dr. Fredriksen has also done partial-birth abortions, and in her testimony about performing a partial-birth abortion she described how she does not always need to pierce the baby's skull before completing delivery; sometimes "grasping forceps" will do the trick. Judge Casey inquired further:

**THE COURT:** Excuse me. Grasping forceps, does that mean you crush the skull?

**THE WITNESS:** You compress the skull, yes.

**THE COURT:** You crush it, right?

**THE WITNESS:** Yes.

**THE COURT:** Yesterday you mentioned sometimes you use your finger, right, rather than using scissors?

**THE WITNESS:** No, that is not my testimony.

**THE COURT:** Isn't that what you said?

**THE WITNESS:** No, that is not. I said the scissors would be important to make an incision at the base of the skull, but I don't use suction. I use my finger to disrupt the contents of the cranial cavity, to thereby collapse the skull and allow delivery of the fetus.

**THE COURT:** So you use your finger to get the contents of the skull out rather than sucking the contents of the skull out, is that correct?

**THE WITNESS.** Yes.<sup>25</sup>

Dr. Cassing Hammond, another plaintiff in the case who has performed "thousands" of abortions,<sup>26</sup> is an assistant professor in obstetrics and gynecology at the Northwestern University School of Medicine. According to his own testimony, Dr. Hammond *does* use his finger—or scissors, or anything else on his table that will get the job done—to puncture the baby's head:

**Q.** Dr. Hammond, do you always use scissors or other instruments to breach the fetal head or the fetal neck in the course of doing an intact D&E of this kind?

**A.** Not always. It depends on the fetus. If you've got a fetus that is earlier in gestation, the skull, or calvarium, it is soft. It isn't as firmly formed. So in those cases you can often do this just with your finger, you can do this digitally. In some cases the scissors probably after 20 weeks I am more likely to use them. We actually have a number of instruments on the table that I can use, whatever seems like it is going to be most effective.<sup>27</sup>

Dr. Stephen Chasen, another plaintiff, is associate professor of obstetrics and gynecology at the Weill Medical College of Cornell University. He has

done 500 abortions in his career, including 200 dismemberment and 75 partial-birth abortions.<sup>28</sup> In his expert testimony he described the way he finds the place on the baby's head to puncture: "I place a clamp on the front part of the cervix and, applying mild traction to this, it exposes the skin at the back of the fetal neck at the site through which I place the scissors. So I can in almost all cases actually visualize the spot through which I place the scissors."<sup>29</sup>

On cross-examination, counsel for the Government walked him through the steps he takes in a partial-birth abortion:

Q. You wrap a small sterile towel around the fetus, because it is slippery, and after the legs are out you pull on the sacrum, or the lower portion of the spine, to continue to remove the fetus, right?

A. Right.

Q. When the fetus is out to the level of the breech, you place another, larger towel around the first small towel, right?

A. Right.

Q. You gently pull downward on the sacrum until the shoulder blades appear, right?

A. Right.

Q. Then, with your hand on the fetus's back, holding it with the towel, you twist in a clockwise or counterclockwise motion to rotate the shoulder, right?

A. Right.

Q. The shoulder in front or the arm in front is swept out with your fingers, and then you rotate the other side of the fetus to sweep out the other arm, right?

A. Right.

Q. Then the fetus is at a point where only the head remains in the cervix, correct?

A. That's correct.

Q. That is when you make the decision based on the gestational age and the amount of cervical dilation, whether the head will fit out intact, whether you can tuck the head of the fetus to its chest, or whether you have to decompress the skull to remove the fetus's head, right?

A. It is based on the size of the fetal head and the cervical dilation. I don't directly consider the gestational age.

Q. If you are able to deliver the head by flexing the chin against the fetal chest—and you have been able to do this several times . . . Doctor?

A. There have been a few occasions, yes.

Q. Then you remove the fetus with the towel, you put it on the table, and you turn back to the woman to deal with the placenta, right?

A. That's right.

Q. If you can't do that, you know you are going to have to crush the head, and so you take a clamp and you grasp the cervix to elevate it, and then your assistant there in the operating room will pull down on the fetus's legs or back, gently lowering the fetus's head toward the opening of the vagina, right?

A. Right.

Q. That is when you put two fingers at the back of the fetus's neck at the base of the skull where you can feel the base of the skull, and then you puncture the skull with the scissors, right?

A. I usually can see it as well as feel it. But yes.

Q. At that point you see some brain tissue come out, and you are 100 percent certain that you are in the brain, so you open the scissors to expand the hole, remove the scissors, and put the suction device in the skull, right?

A. Correct.

Q. You turn on the suction, and typically the fetus comes right out with the suction device still in its skull, right?

A. Right.<sup>30</sup>

Dr. Gerson Weiss, a plaintiff and expert witness at trial, is chair of the department of obstetrics and gynecology and women's health at the UMDNJ-New Jersey Medical School. He claims to have done approximately 1,500 to 2,000 abortions, including 300 to 500 dismemberment and partial-birth abortions.<sup>31</sup> Dr. Weiss testified that, not only is the baby's neck visible in a partial-birth abortion, but also a portion of the baby's head: "Visualize in your mind this. The cervix has to be dilated enough to allow the entire trunk of the fetus to pass through it. The neck of the fetus is much smaller than the shoulders and the trunk but a larger thing, the shoulders and the trunk have passed through. So, not only is the neck through but a portion of the skull which is vividly, you know, exactly where it is and you see it, it's above the neck."<sup>32</sup>

Judge Casey questioned Dr. Weiss about finding the place on the baby's head to puncture:

**THE COURT:** You do it by feel, don't you?

**THE WITNESS:** You always feel it. It's right there where your finger is.

**THE COURT:** If you feel it you can't see it.

**THE WITNESS:** Usually you see it. So, when it's right there you can usually, under direct vision, insert a sharp instrument into the skull or, at worst, by feel, not blindly, because you know exactly where it is and you feel it with your finger.<sup>33</sup>

The fact that the baby is alive during the partial-birth procedure—a fact formerly contested by abortion activists—was confirmed by a number of plaintiffs' witnesses.



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Dr. Carolyn Westoff, a plaintiff and expert in the case, is a professor of epidemiology and population and family health in the School of Public Health at Columbia University. She has performed hundreds of abortions including dismemberment and partial-birth abortions, fifty of which she performed or supervised in 2003.<sup>34</sup> Dr. Westoff testified that there is “usually a heartbeat” when she commences delivery in a partial-birth abortion, and that when she collapses the skull, the fetus is living.<sup>35</sup>

The fact that the baby is still living at this point in the abortion was also confirmed vividly here by Dr. Johnson in a series of questions from Judge Casey:

THE COURT: An affidavit I saw earlier said sometimes, I take it, the fetus is alive until they crush the skull?

THE WITNESS: That’s correct, yes, sir.

THE COURT: In one affidavit I saw attached earlier in this proceeding, were the fingers of the baby opening and closing?

THE WITNESS: It would depend where the hands were and whether or not you could see them.

THE COURT: Were they in some instances?

THE WITNESS: Not that I remember. I don’t think I have ever looked at the hands.

THE COURT: Were the feet moving?

THE WITNESS: Feet could be moving, yes.<sup>36</sup>

What Do Abortion Doctors Tell Their Patients?

Judge Casey displayed a keen interest in learning whether, and to what extent, abortion doctors inform their patients about the details of the abortion procedures they will perform. The following is an exchange between Judge Casey and Dr. Johnson:

THE COURT: When you describe the possibilities available to a woman do you describe in detail what the intact D&E or the partial birth abortion involves?

THE WITNESS: Since I don’t do that procedure I wouldn’t have described it.

THE COURT: Did you ever participate with another doctor describing it to a woman considering such an abortion?

THE WITNESS: Yes. And the description would be, I would think, descriptive of what was going to be, what was going to happen; the description.

THE COURT: Including sucking the brain out of the skull?

THE WITNESS: I don’t think we would use those terms. I think we would probably use a term like decompression of the skull or reducing the contents of the skull.

THE COURT: Make it nice and palatable so that they wouldn’t understand

what it's all about?

**THE WITNESS:** No. I think we want them to understand what it's all about but it's—I think it's—I guess I would say that whenever we describe medical procedures we try to do it in a way that's not offensive or gruesome or overly graphic for patients.

**THE COURT:** Can they fully comprehend unless you do? Not all of these mothers are Rhodes scholars or highly educated, are they?

**THE WITNESS:** No, that's true. But I'm also not exactly sure what using terminology like sucking the brains out would—

**THE COURT:** That's what happens, doesn't it?

**THE WITNESS:** Well, in some situations that might happen. There are different ways that an after-coming head could be dealt with but that is one way of describing it.

**THE COURT:** Isn't that what actually happens? You do use a suction device, right?

**THE WITNESS:** Well, there are physicians who do that procedure who use a suction device to evacuate the intracranial contents; yes.<sup>37</sup>

Judge Casey pursued this line of questioning with Dr. Westhoff as well:

**THE COURT:** I want to know whether that woman knows that you are going to take a pair of scissors and insert them into the base of the skull of her baby, of her fetus. Do you tell her?

**THE WITNESS:** I do not usually tell patients specific details of the operative approach. I'm completely—

**THE COURT:** Do you tell her that you are going to then, ultimately, suck the brain out of the skull?

**THE WITNESS:** In all of our D&Es the head is collapsed or crushed and the brains are definitely out of the skull but those are—

**THE COURT:** Do you tell them that?

**THE WITNESS:** Those are details that would be distressing to my patients and would not—information about that is not directly relevant to their safety.

**THE COURT:** Don't—whether it's relative to their safety or not don't you think it's since they're giving authorization to you to do this act that they should know precisely what you're going to do?

**THE WITNESS:** That's actually not the practice I have of discussing surgical cases with patients.

**THE COURT:** I didn't ask you that. I said don't you think they ought to know?

**THE WITNESS:** No, sir, I don't.<sup>38</sup>

Judge Casey questioned Dr. Chasen about the information he gives his patients before a dismemberment abortion:

**THE COURT:** Do you tell them straight out what you are doing? No sugar

coating, just you tear it off and remove it in pieces?

THE WITNESS: There is nothing I can do to make this procedure palatable for the patients. There is no sugar coating.

THE COURT: I didn't ask you that, Doctor. I know it is not pleasant. I want to know whether or not these people know, have a fully-educated discussion with you what you are going to do.

THE WITNESS: We have a full and complete discussion about the fact that in most cases the fetus will not pass intact through the cervix and in many cases—

THE COURT: No, let's go back. I asked you a simple question. Do you tell them you are going to tear limbs off?

THE WITNESS: I don't have simple discussions with my patients. I have involved discussions. I can share with you what I tell my patients.

THE COURT: Go ahead. I am asking you, do you tell them you tear it off?

THE WITNESS: I initiate the discussion in general terms, and they always include the possibility that destructive procedures will be done to facilitate removal of the fetus.

THE COURT: Do you do it in nice sugar-coated words like that?

THE WITNESS: My patients are under no illusions and they don't regard that as sugar-coating and they are usually devastated—

THE COURT: How do you know, Doctor, do you see into their minds?

THE WITNESS: These are patients most of whom I have cultivated a relationship, and I can tell.<sup>39</sup>

#### The Issue of Fetal Pain

The only pain expert at trial was Government witness Dr. Kanwaljeet Anand.<sup>40</sup> Dr. Anand testified that “[f]etuses that are beyond 20 weeks of gestation can feel pain.” He explained that, by this age: a baby can respond to sound, light, and taste, indicating that the central nervous system is functioning and that the baby is conscious; all of the skin surfaces and mucus membranes have sensory receptors; and all of the anatomical structures needed to perceive and process pain are present and functional.<sup>41</sup> He testified that evidence demonstrates that “between 20 and 30 weeks of gestation there is the greatest sensitivity to pain.”<sup>42</sup>

Dr. Anand explained why the partial-birth abortion procedure will cause “prolonged and excruciating pain to the fetus” beyond 20 weeks of gestation: “Given the increased sensitivity to pain at that period of gestation, the parts of the procedure associated with grasping the lower extremity of the fetus, of manipulation and rotating the fetus within the confines of the uterus, of delivering the fetus through an incompletely dilated cervix as well as the surgical incision made at the back of the head, the puncturing of the

intracranial cavity through . . . the membranes that covered the brain, all of those parts of the procedure would be associated with prolonged and excruciating pain to the fetus.”<sup>43</sup>

Moreover, anesthesia administered intravenously to a pregnant woman would not have an impact on the baby “because the concentrations that are generated in the fetal blood would not be effective.”<sup>44</sup> In fact, to ensure that there was a state of fetal anesthesia, Dr. Anand testified, “we would need to give anywhere from five to 50 times the dose of regular anesthetic that is used for the mother,”<sup>45</sup> which would produce “a very high likelihood of toxic side effects in the mother.”<sup>46</sup>

Plaintiffs offered no expert witness to counter this testimony. Rather, in order to diminish the powerful evidence that partial-birth abortion causes “prolonged and excruciating pain,” plaintiffs used their cross-examination of Dr. Anand to make the point that *other* methods of abortion at this stage would be quite painful, too. For example, plaintiffs’ counsel asked Dr. Anand to compare the pain inflicted by a partial-birth abortion to the pain inflicted by a dismemberment abortion:

**Q.** Are you familiar with the dismemberment D&E?

**A.** I am familiar with it to the extent that I have read about the procedure. I have not performed any of those procedures.

**Q.** In a dismemberment D&E, it is your opinion, isn’t it, that at 20 weeks of gestation a fetus undergoing that procedure would experience severe pain?

**A.** That is correct.

**Q.** Isn’t it true, Doctor, that assuming the same gestational age, a D&E procedure involving dismemberment would be more painful to a fetus than a D&X procedure?

**A.** That is possible, yes.<sup>47</sup>

When plaintiffs’ counsel inquired about pain caused by an induction abortion procedure, Dr. Anand testified that “as a result of the induction procedure there would be pain associated to the fetus.”<sup>48</sup> Finally, when plaintiffs’ counsel pursued the possibility of pain caused by injecting a needle into the baby’s heart, Dr. Anand testified that the baby would feel pain “from the point of entry of the needle into the fetal body to the point when fetal demise occurs as a result of cardiac arrest.”<sup>49</sup>

Questions to plaintiffs’ abortion experts about fetal pain produced some of the most fascinating testimony in the trial. In questions to Dr. Hammond about what he informs his patients, Judge Casey pursued the issue of fetal pain:

**THE COURT:** Do you tell them whether or not it hurts the baby?

**THE WITNESS:** We have that conversation quite a bit with patients, your Honor.

**THE COURT:** And what’s your answer?

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**THE WITNESS:** We say several things to the patient, your Honor. First of all, we tell the patient that it's controversial what exactly—what the fetus experiences of pain at various gestational ages. We share with them the fact that even for normally developed fetuses people debate the beginning of sensation of the fetus. They debate at what gestational age the fetus is able to interpret pain as we think about it. We share with the patients that even though there are speculations about these things among normal fetuses, when you start dealing with the kind of circumstances that we confront where a baby may not have its forebrain or may not have its brain . . . which is in essence a completely disrupted and in some cases spinal cord, that there is no data that lead us to know what the baby feels.

**THE COURT:** How about when there is no anomaly instead of all these exceptions, how about when there is no anomaly?

**THE WITNESS:** We say that there is a possibility and one of the things that we are doing with most of these patients after 16 to 18 weeks is they're all under IV anesthesia . . . which may confer some pain control to the fetus. We also share with them their alternatives and we share with them the fact that we really don't know what the fetus feels and some of the other things that they can do for pain. For example, frankly, your Honor, I think we sugar coat some of the other options and we share this with patients. . . . But the honest truth is, how do we know that taking this huge instrument and poking it into the baby's heart and injecting a poison hurts any less than my rapidly cutting the umbilical cord or transecting the spinal cord with my scissors? Or how do we know that poisoning the environment that the baby is in with digoxin is any more painful or less painful than my doing a very rapid D&E. . . . So what we are really asking the patients that I see is, which do you think is going to hurt worse for your fetus?<sup>50</sup>

Judge Casey pursued the issue of fetal pain with Dr. Westhoff as well:

**THE COURT:** Do any of them ask you whether or not the fetus experiences pain when that limb is torn off?

**THE WITNESS:** I do have patients who ask about fetal pain during the procedure, yes.

**The Court:** And what do you tell them?

**THE WITNESS:** I, first of all, assess their feelings about this, but they of course even notwithstanding the abortion decision, would generally tell me they would like to avoid the fetus feeling pain. I explain to them that in conjunction with our anesthesiologists that the medication that we give to our patients during the procedure will cross the placenta so the fetus will have some of the same medications that the mother has.

**THE COURT:** Some.

**THE WITNESS:** Yes, that's right.

**THE COURT:** What do you tell them, does the fetus feel pain or not when they ask?

**THE WITNESS:** What I tell them is that the subject of the fetal pain and whether a fetus can appreciate pain is a subject of some research and controversy and that I don't know to what extent the fetus can feel pain but that its—

**THE COURT:** Do you tell them it feels some pain?

**THE WITNESS:** I do know that when we do, for instance an amniocentesis and put a needle through the abdomen into the amniotic cavity that the fetus withdraws so I certainly know based on my experience that the fetus [will] withdraw in response [to] a painful stimulus.<sup>51</sup>

Judge Casey also discussed the issue of fetal pain with Dr. Johnson:

**THE COURT:** I heard you talk a lot today about dismemberment D&E procedure, second trimester; does the fetus feel pain?

**THE WITNESS:** I guess I—

**THE COURT:** There are studies, I'm told, that say they do. Is that correct?

**THE WITNESS:** I don't know. I don't know of any—I can't answer your question. I don't know of any scientific evidence one way or the other.

**THE COURT:** Have you heard that there are studies saying so?

**THE WITNESS:** I'm not aware of any.

**THE COURT:** You never heard of any?

**THE WITNESS:** I'm aware of fetal behavioral studies that have looked at fetal responses to noxious stimuli.

**THE COURT:** Does it ever cross your mind when you are doing a dismemberment?

**THE WITNESS:** I guess whenever I—

**THE COURT:** Simple question, Doctor. Does it cross your mind?

**THE WITNESS:** Does the fetus having pain cross your mind?

**THE COURT:** Yes.

**THE WITNESS:** No.

**THE COURT:** Never crossed your mind.

**THE WITNESS:** No.<sup>52</sup>

Judge Casey also questioned Dr. Frederiksen about partial-birth abortion and fetal pain:

**THE COURT:** Do you tell them whether or not that hurts the fetus?

**THE WITNESS:** I have never talked to a fetus about whether or not they experience pain.<sup>53</sup>

**THE COURT:** I didn't say that, Doctor. Do you tell the mother whether or not it hurts the fetus?

**THE WITNESS:** In a discussion of pain for the fetus it usually comes up in

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the context of how the fetus will die. I make an analogy between what we as human beings fear the most—a long protracted painful death.

THE COURT: Doctor, I didn't ask you—

THE WITNESS: Excuse me, that's what I tell my patients.

THE COURT: But I'm asking you the question.

THE WITNESS: I'm sorry.

THE COURT: And I'm asking you whether or not you tell them that.

THE WITNESS: I feel that fetus dies quickly and it's over quickly. And I think from a standpoint of a human being our desire is that we have a quick death rather than a long protracted death—

THE COURT: That's very interesting, Doctor but it's not what I asked you. I asked you whether or not you tell them the fetus feels pain.

THE WITNESS: I don't believe the fetus does feel pain at the gestational ages that we do, but I have no evidence to say one way or the other so I can't answer that question.<sup>54</sup>

Judge Casey also questioned Dr. Chasen about partial-birth abortion and fetal pain:

THE COURT: Does it hurt the baby?

THE WITNESS: I don't know.

THE COURT: But you go ahead and do it anyway, is that right?

THE WITNESS: I am taking care of my patients, and in that process, yes, I go ahead and do it.

THE COURT: Does that mean you take care of your patient and the baby be damned, is that the approach you have?

THE WITNESS: These women who are having [abortions] at gestational ages they are legally entitled to it—

THE COURT: I didn't ask you that, Doctor. I asked you if you had any care or concern for the fetus whose head you were crushing.

THE WITNESS: No.<sup>55</sup>

Conclusion

Like the “collective amnesia” that is said to occur when a culture forgets a common experience, abortion requires a kind of collective blindness. *Roe v. Wade* made the Constitution blind to the personhood of children not yet born, and this blindness was exhibited in all its pitiless brutality in the trials on the partial-birth-abortion ban. The testimony was a bracing, if brief, reprieve from the layers of euphemism that cloak the truth about abortion.

For abortion doctors on the witness stand, removing those layers was not always an easy process. Perhaps the best example of this was Dr. Westoff's tortured explanation for why she does not like the new law against partial-

birth abortion: "I mean, I know what my purpose is . . . to empty the uterus in the safest way possible. Yet, this language implies that I have this other purpose, which is to kill the fetus. So, to me, it's like—kind of like there is an elephant in the room besides me and my patient . . . there is somebody judging what my purpose is in bringing the fetus out a certain way."<sup>56</sup>

On this point she was quite right: There is someone else in the room. Seven justices in *Roe v. Wade* closed the eyes of the law to the unborn child upon uttering the infamous words, "We need not resolve the difficult question of when life begins."<sup>57</sup> But in the case of a partially born child, even the Supreme Court cannot continue the charade forever. The law simply cannot say that there is no person there.

Congress and dozens of states, with overwhelming public support, have worked to ban partial-birth abortion precisely because of what happens to that someone else in the room. And no matter the outcome of the current trials on the federal ban, the effort will continue until this inhumane practice is eradicated from American public life.

## NOTES

(Full transcripts are available from: <http://www.usccb.org/prolife/issues/pba/pban.htm>. The following transcript legend may be of help in finding testimony. Plaintiffs' experts: Dr. Johnson, day 3; Dr. Hammond, days 3-4; Dr. Westhoff, days 4-6; Dr. Fredriksen, day 7; Dr. Weiss, day 8; Dr. Chasen, day 9. DOJ's experts: Dr. Lockwood, day 10; Dr. Anand, day 11, Dr. Sprang, day 12, Dr. Clark, day 13; Dr. Cook, day 14. )

1. Partial Birth Abortion Ban Act of 2003: 108th Congress, 1st Session, Section 1531.
2. He described the procedure this way:

With a lower [fetal] extremity in the vagina, the surgeon uses his fingers to deliver the opposite lower extremity, then the torso, the shoulders and the upper extremities. The skull lodges at the internal cervical os [the opening to the uterus]. . . . At this point, the right-handed surgeon slides the fingers of the left hand along the back of the fetus and "hooks" the shoulders of the fetus with the index and ring fingers (palm down). . . [and] takes a pair of blunt curved Metzenbaum scissors in the right hand. He carefully advances the tip, curved down, along the spine and under his middle finger until he feels it contact the base of the skull under the tip of his middle finger. . . . [T]he surgeon then forces the scissors into the base of the skull or into the foramen magnum. Having safely entered the skull, he spreads the scissors to enlarge the opening. The surgeon removes the scissors and introduces a suction catheter into this hole and evacuates the skull contents.

National Abortion Federation, *Second Trimester Abortion: From Every Angle*, Fall Risk Management Seminar, September 13-14, 1992, Dallas, Texas; Presentation, Bibliography & Related Materials, Martin Haskell, M.D., *Dilation and Extraction for Late Second Trimester Abortion*, pages 30-31.
3. "LMP" refers to measuring the length of pregnancy from the mother's last menstrual period, rather than from conception.
4. *Id.* at 28.
5. "Medicine adds to debate on late-term abortion," *American Medical News*, American Medical Association, Vol. 40, No. 9 (March 3, 1997).
6. "Abortion: Activists Lied," *The Bergen Record*, February 27, 1997.
7. Barbara Vobejda and David Brown, "Discomforting Details of Late-Term Abortions Intensify



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- Dispute," *Washington Post*, September 17, 1996; *Media Matters*, PBS television series, January 1997. Hosted by Alex Jones and reported by Terry Eastland.
8. "An Abortion Rights Advocate Says He Lied About Procedure," *New York Times*, A11 (February 26, 1997).
  9. The transcripts in their entirety can be found online at <http://www.usccb.org/proflife/index.htm>.
  10. Individual plaintiffs were Mark Evans, Carolyn Westoff, Cassing Hammond, Marc Heller, Timothy Johnson, Stephen Chasen, and Gerson Weiss.
  11. There was the occasional light moment. When an expert for the plaintiffs said abortion is safer than childbirth, for example, Judge Casey inquired, "safer than childbirth?" "Yes, your Honor," she replied. "Would you recommend abortions rather than childbirth then?" he asked. "If a woman wants to have a baby, she should definitely go the full nine months," she answered.
  12. Tr. New York: Day 5, Page 3: 12-13 (Westhoff).
  13. See Grunebaum, Hammond, Westhoff, Johnson, and Fredriksen testimony.
  14. See Hammond, Johnson, Chasen, and Westhoff testimony.
  15. See Grunebaum, Hammond, Fredriksen, Westhoff, and Chasen testimony.
  16. See Grunebaum, Hammond, Weiss, and Chasen testimony.
  17. See Hammond, Johnson, Weiss, Grunebaum, Chasen, Westhoff testimony.
  18. See testimony of Dr. Charles Lockwood, Dr. M. Leroy Sprang, Dr. Curtis R. Cook, and Dr. Steven Leigh Clark.
  19. Dr. Clark has authored over 170 peer-reviewed scientific articles, is an editorial consultant for peer-reviewed medical journals, and has been named by his peers to the list of "Best Doctors in America" every year for over a decade.
  20. Tr. New York: Day 13, 2377: 22-2378-2 (Clark).
  21. Tr. New York: Day 3: 388:4-390:19 (Johnson).
  22. Tr. 466: 9-15 (Johnson).
  23. Tr. 467: 6-15 (Johnson).
  24. Tr. New York: Day 6, page 93: 2-10 (Fredriksen).
  25. Tr. 1141: 6-9 (Fredriksen).
  26. Tr. 517: 5-19 (Hammond).
  27. Tr. New York: Day 4, page 32: 1-9 (Hammond).
  28. Tr. New York: Day 9, page 60: 13-19 (Chasen).
  29. Tr. New York: Day 9, page 102: 20-25.
  30. Tr. New York: Day 9, page 182: 5-7 (Chasen).
  31. Tr. New York: Day 8: 1312: 18-25; 1314: 25-1315: 3 (Weiss).
  32. Tr. 1351: 5-11 (Weiss).
  33. Tr. 1351: 21-25 (Weiss).
  34. Tr. New York: Day 4, page 170: 16-page 171:2 (Westhoff).
  35. Tr. New York: Day 5, page 72: 1 (Westhoff).
  36. Tr. 468: 12-25 (Johnson).
  37. Tr. 515: 24-516: 1 (Johnson).
  38. Tr. New York: Day 5, page 21: 8-10 (Westhoff).
  39. Tr. New York: Day 9, page 69: 3-page 70: 9 (Chasen).
  40. Dr. Anand, a Rhodes scholar with an Oxford doctorate in the hormonal and metabolic responses of premature infants, is a professor of Pediatrics, Anesthesiology, Pharmacology and Neurobiology at the University of Arkansas for Medical Sciences and Director of the Pain Neurobiology Laboratory at the Arkansas Childrens' Hospital Research Institute.
  41. Tr. New York: Day 11, page 35-page 36: 24 (Anand).
  42. That is because "the early development of the receptors and the density of these receptors is much greater in the fetal skin as compared to an older child or adult (Tr. New York: Day 11 page 46: 22-25, page 47:1(Anand)) and because "inhibitory mechanisms or mechanisms that may modulate" are not yet developed (Tr. New York: Day 11 page 105: 1-11 (Anand).Tr. New York: Day 11 page 61: 1-3 (Anand).
  43. Tr. New York: Day 11, page 54: 14-23 (Anand).
  44. Tr. New York: Day 11, page 60: 13-17 (Anand). The circulation of the mother and the circulation of the baby are separated by the placental membrane, and "drugs that are circulating in the mother's blood have to get across this placental membrane and reach sufficient enough concentrations in the fetus' blood in order to then cross the blood brain barrier and have an impact on brain cells in the fetus." Nor did Dr. Anand assert that general anesthesia administered to the

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- mother would produce an adequate amount of pain control in the baby. Tr. New York: Day 11 page 60: 23-25, page 61: 1-3 (Anand).
45. Tr. New York: Day 11, page 66: 5-12.
46. Id. On cross-examination Dr. Anand stated that general anesthesia in various gaseous forms would equilibrate fairly quickly across the placental barrier and would produce some levels of anesthesia in the fetus.
47. Tr. New York: Day 11, page 100: 3-14 (Anand).
48. Tr. New York: Day 11, page 104: 7-12 (Anand).
49. Tr. New York: Day 11, page 107: 12-17 (Anand).
50. Tr. New York: Day 4, page 87: 5-page 88: 13 (Hammond).
51. Tr. New York: Day 5, page 8: 3-8 (Westhoff).
52. Tr. New York: Day 3, 513: 1-8 (Johnson).
53. Dr. Anand explained in his testimony that the International Association for the Study of Pain's official definition of pain states that the inability to communicate verbally does not negate possibility of experiencing pain.
54. Tr. New York: Day 6, page 121: 4-page 122: 1 (Fredriksen).
55. Tr. New York: Day 9, page 101:14-page 102: 1-2 (Chasen).
56. Tr. California: Day 1 (*Planned Parenthood vs. Ashcroft*, CO3-4872 PJH), page 80: 10-16 (Paul).
57. *Roe v. Wade*, 410 U.S. 113 (1973) at 159.



*"I'd hate to see you go away empty-handed."*

## APPENDIX A

[*Sandi Merle is on the Lay Advisory Council of the New York Board of Rabbis and the Board of Jewish/Catholic Dialogue of the City of New York.*]

### Just an Ordinary Saturday in May

*Sandi Merle*

It was just another Saturday in May; the 21st, to be exact. When I returned home from synagogue, I pushed the “play” button on my phone answering machine and sat down to listen. It was the last message that got my attention.

A pro-life friend from Buffalo had called to tell me about a baby girl born that day, weighing eleven ounces, and given the name “Dakota”: she was born 14 weeks early (so much for the age of viability) and needed our prayers. Dakota was so tiny that her father’s wedding band fit around her hand and arm all the way up to her shoulder without touching skin.

I had seen premature babies in neonatology units, but this information shocked me.

Let me see now—11 ounces. Still in a state of disbelief, I walked to the freezer: spinach, 10 ounces, but the wrong shape. Hamburger: I defrosted a pound, took off 11 ounces and shaped it lengthwise. I held it in my hand. Incredible!

One of the things the telephone voice asked me to do was to gather together a group of friends to pray for Dakota. On-line I contacted rabbis, priests, friends, family, business acquaintances, and I made phone calls, too, asking the clergy to speak from their pulpits, and friends to use word-of-mouth.

Two days later, in my workplace, I decided to ignore the fact that most of my colleagues were liberal New Yorkers; not exactly recruits for the pro-life movement: I told them about Baby Dakota, and to a person they prayed and showed genuine concern. My pro-life mind had been so drenched in the marinade of pro-choice adversaries that I couldn’t believe I wasn’t going to have to punch my way out of this particular bag.

I realized that I was confronted by a major dilemma, a major problem, one that could change the complexion of the divisive and hotly contested abortion issue: if the social and cultural level of understanding in this country could allow us to pray for a child just one day removed from the womb, then why not the day before? Why not Friday, in the comfort of her mother’s body? Why not Thursday when she sneezed? Why not Wednesday, when being nourished by the placenta?

Very often, when doctors deliver a baby like Dakota (14 weeks from term) it’s because neonatology has come so far it’s often possible to do more for the baby *outside* the womb.

Baby Dakota lived for five days. In that short time she changed many lives, including her own. She felt the touch of human hands and human tears; she felt the warmth of love. Without knowing it, she brought together members of major faith groups and perhaps, just perhaps, she got us one step closer to a culture of life.

Some years ago, a little girl named (Baby) Jessica fell into a well in her family’s

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backyard. That night and for several days thereafter until her rescue, media carried the story “live”: all across the nation people gathered to root for and pray for Jessica.

News anchor Ted Koppel raised the subject with holocaust survivor, Professor Elie Weisel: “How is it that so many people still question the validity of the information that 1.5 million children perished in the Holocaust, yet the entire nation awaits word of Baby Jessica?” Prof. Weisel’s answer made sense then, and makes sense again today: “Perhaps 1.5 million is too great a number to digest. If we spoke of one child, people could identify, would understand.” Jessica brought the world together—even today! So there seems to be a lesson here: every child is born for a reason, and if “childbirth” is not a category but a name, let’s think of Dakota—an innocent little baby fighting to teach us something.

Think of Dakota—all eleven ounces of her; hold her in the palm of your heart and say “Live, Dakota, live!” so that the memory of her brief yet extraordinary life will have become a blessing for us all.

Under G-D’s heaven there is nothing ordinary. Not even a Saturday in May.

## APPENDIX B

*[Markus Grompe is a professor of genetics at the Oregon Health and Science University, director of the Oregon Stem Cell Center and a member of the International Society for Stem Cell Research. Robert P. George is McCormick Professor of Jurisprudence and Director of the James Madison Program in American Ideals and Institutions at Princeton. He serves on the President's Council on Bioethics. Reprinted from The Wall Street Journal ©2005 Dow Jones & Company. All rights reserved.]*

### Creative Science Will Resolve Stem-Cell Issues

*Markus Grompe & Robert P. George*

The House of Representatives recently passed legislation to loosen President Bush's restrictions on federal funding of embryonic stem-cell research. The president has promised to veto the bill, however, and the legislation lacks the support of a veto-proof majority. So regardless of what happens in the Senate, it is clear that, at least until 2009, there will be no federal money for research involving stem cells derived from embryos destroyed after Aug. 9, 2001. Americans are divided as to whether this is good or bad, but it is the one thing about which there is now no debate.

President Bush's veto need not mean that new embryonic or embryonic-type stem-cell lines eligible for federal funding cannot be developed, however. The President's Council on Bioethics, in a recent White Paper, identified several possible methods for producing such lines that do not require the destruction or harming of living human embryos. There is good scientific reason to believe that this can be done using existing biotechnologies. These possibilities point the way towards a resolution of our nation's divisive debate over embryonic stem-cell harvesting—one that can be embraced in good conscience by people on both sides of the ethical divide.

What is fascinating about embryonic stem cells, and makes many people believe that someday they will have important therapeutic value (though they have not demonstrated such value as yet), is their "pluripotency"—their capacity to form any and every type of human body cell. But a stem cell (even an embryonic stem cell) is not an embryo; it is not "totipotent"—that is, capable of developing to the next stage of maturity as a new individual of the species. Unlike an embryo, a stem cell is not a complete organism in the beginning stages of its natural development. It is merely part of the larger organism, like any other body cell.

The ethical problem arises because human pluripotent stem cells are obtained today by destroying living human embryos. The solution, if technically feasible, is to produce human pluripotent stem cells directly, that is, without first creating an embryo which must be destroyed or damaged in the process of harvesting stem cells.

One promising option is called oocyte assisted reprogramming (OAR). This is a variation of a broader concept known as altered nuclear transfer. It combines basic cloning technology with what is known as epigenetic reprogramming.

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In cloning, the nucleus of a somatic cell (such as a skin cell) is transferred to an egg cell whose nucleus has been removed. An electrical stimulus is administered in a way that, if all goes as planned, triggers the development of a new and distinct organism, an embryo, that is virtually identical in its genetic constitution to the organism from which the somatic cell was taken. In OAR, however, the somatic cell nucleus or the egg cytoplasm or both would first be altered before the nucleus is transferred. The modifications would change the expression of certain “master genes”—transcription factors that control expression of many other genes by switching them on or off.

These genetic alterations would permit the egg to reprogram the somatic cell nucleus directly to a pluripotent, but not a totipotent (i.e., embryonic) state. The altered expression of the powerful control gene would ensure that the characteristics of the newly produced cell are immediately different from, and incompatible with, those of an embryo. For optimal reprogramming, master genes known to control the pluripotency of embryonic stem cells would be used, for example the transcription factor known as “nanog.” Thus, we would reasonably expect to obtain precisely the type of stem cells desired by advocates of embryonic stem-cell research, without ever creating or killing embryos.

This method of obtaining human pluripotent stem cells would not only be morally unimpeachable (assuming nothing unethical is done in obtaining somatic cells or oocytes used in the process), it would have other important advantages over using so-called spare embryos left over from in vitro fertilization efforts. Unlike stem cells from IVF embryos, scientists could control the genetic structure of OAR-produced stem cells. Their genetic constitution would be virtually identical to that of the donor, thus helping to overcome the problem of immune rejection.

Our proposal is not the only possible way for pluripotent stem-cell science to work around the ethical impasse. Progress has recently been reported on another strategy similar to OAR, but using embryonic stem cells, rather than eggs, for reprogramming adult cells to the pluripotent state. Like OAR, further research is needed to confirm that this “cell fusion” strategy will work. If it does, the required embryonic cells could be taken from lines created prior to Aug. 9, 2001, making this research eligible for federal funding.

When he announced his intention of vetoing the embryonic stem-cell bill, President Bush noted that researchers are exploring “different ethical ways of getting the same kind of cells now taken from embryos without violating human life or dignity.” He added: “With the right policies and the right techniques, we can pursue scientific progress while still fulfilling our moral duties.” The country will likely remain divided about the ethics of research using human embryos. But we believe that creative science can help us find a way forward and thus put pluripotent stem-cell research on a footing that all citizens can enthusiastically support. That would be a great day for science, for morality, and for our nation.

## APPENDIX C

[*Eric Cohen is editor of the New Atlantis and resident scholar at the Ethics and Public Policy Center. The following first appeared in the the Weekly Standard. Copyright 2005, News Corporation, Weekly Standard; all rights reserved (issue date: 05/30/2005).*]

### Go Forth and Replicate

*Eric Cohen*

Conscience is a slippery thing. In 2001, during the first few months of the Bush presidency, America engaged in a debate about the ethics of embryo research. The policy question was narrow: Should the federal government use public funds to support stem cell research that involves embryo destruction? But everyone knew that the issue was actually much larger—about whether we should be the kind of country that uses some (nascent) lives to benefit others, the kind of country that plunges ahead in revolutionary new areas of biotechnology without establishing clear moral limits.

Research advocates made their case by saying that thousands of embryos in fertilization clinics were “going to die anyway,” and that of course no one was suggesting we create human embryos solely for research. The ethical argument was unconvincing—being destined to die hardly turns human beings into things, otherwise no one would feel safe in a nursing home. But at least the research advocates endorsed the notion that there was a line they did not want us to cross.

Today, most advocates of embryonic stem cell research offer no limits and seem to accept no compromises. Last week, a team of South Korean and American researchers announced a successful experiment: They had created scores of cloned human embryos that they then destroyed to produce 11 stem cell lines. So we have truly entered the age of human cloning. Any competent team of researchers in a laboratory anywhere in the world can now create cloned human embryos to the blastocyst stage—and then try to implant them in efforts to initiate a pregnancy. If they fail, they can—and some will—try and try again. To be sure, there will be many grotesque failures along the way to cloned babies—just as there were when Dolly the cloned sheep was created. And the children who make it to birth will inevitably suffer deformities and health problems. But the first cloned child is coming soon, and with it a new, terrible moment in the history of modern science.

In America, there are currently no prohibitions and no limits on human cloning. There are no limits on the creation and destruction of human embryos. There are no limits on the implantation of human embryos into animal wombs to generate fetuses for spare parts. There are no limits on the creation of man-animal hybrids using animal sperm and human eggs or human sperm and animal eggs. There are no real ethical limits on anything.

This week, the House of Representatives will likely vote on a bill (sponsored by Delaware Republican Mike Castle and Colorado Democrat Diana DeGette) to provide federal funding for research involving the destruction of embryos left over in fertility clinics. Castle-DeGette is being sold as a moderate measure—very strange,

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because the current funding policy is already so moderate. Embryo research proceeds in the private sector; many avenues of stem cell research are funded by the government; but those citizens who believe embryo destruction is a grave evil are not forced to be directly complicit in this activity.

The Castle-DeGette bill is also strange because any imagined federal funding in this area would be tiny compared with the \$3 billion California has already made available for this research. And it is strange because the loudest advocates for funding research on “spare” embryos are also the loudest advocates for advancing research involving the creation and destruction of cloned human embryos for research.

Indeed, the research lobby has justified so-called “therapeutic cloning” by saying that tailor-made stem cell lines—impossible to make using only “spare” embryos—are what they really need to make this science work for patients. So why all the fuss about federal funding for research on “spare” embryos? Is this all they really want? Or do they simply wish to open the door to funding for research on cloned embryos—i.e., to federally funded human cloning?

President Bush last Friday promised to veto the Castle-DeGette bill, making the House vote a symbolic one. And the President’s Council on Bioethics earlier this month released a report describing a series of promising alternatives that may allow us to produce just the kind of disease-specific pluripotent stem cells that researchers want *without* destroying human embryos. Is the vote so urgent that we don’t have time at least to explore these alternatives first, especially when it will take a short time to see if they hold promise?

Everyone wants cures for terrible diseases, and no one doubts the compassion that many Castle-DeGette supporters have for those who suffer. But surely those who seek to advance modern medicine should aim to do so in a way that all citizens can embrace, and in a way that ensures that we do not turn the medical ethic on its head, by treating some lives as tools to help others.

One does not need to believe that human embryos are human persons to have one’s conscience stirred by our current predicament—where the drive to advance stem cell research has apparently made us tolerant of human cloning. One simply needs to believe that we should not bulldoze ahead with ethically hazardous research in an environment with no limits on the brave new world; and that we should try every other avenue of scientific possibility before trampling the values of many fellow citizens to make embryo destruction a national project. This is what the Castle-DeGette bill really does, under the false guise of moderation.

The Democratic left sees stem cell research as a way to make the dehumanization of early human life a prerequisite for being pro-health and pro-science. This is not the path of moderation; it is the path of ideological excess, leading toward funding the kind of research that will bring the age of human cloning, or worse, that much closer.



## APPENDIX D

*[Wesley J. Smith is a senior fellow at the Discovery Institute and a special consultant to the Center for Bioethics and Culture. His current book is Consumer's Guide to a Brave New World. The following column appeared May 6, 2005 on National Review Online (nationalreview.com) and is reprinted with permission.]*

### PETA's Non-Apology Apology

*Wesley J. Smith*

Ingrid Newkirk, the alpha wolf over at the People for the Ethical Treatment of Animals (PETA), has just issued a classic non-apology "apology" for PETA's odious "Holocaust on Your Plate" Campaign, which explicitly compared eating meat to participating in the gassing of millions of Jews.

The purported equation between the Holocaust and normal practices of animal husbandry wasn't presented between the lines by PETA. Nor was it implied subtly in the hope that the viewer would infer a similarity. Rather, comparing Auschwitz to your corner butcher shop was the explicit and unequivocal theme of the entire international pro-vegan campaign.

First there were the photographs. PETA juxtaposed pictures of emaciated concentration-camp inmates in their tight-packed wooden bunks with chickens kept in cages. Worse, in a truly despicable comparison (on several levels), a picture of piled bodies of Jewish Holocaust victims was presented next to a photograph of stacked dead pigs.

The text of the campaign was even worse. In a section entitled "The Final Solution," PETA made this astonishing assertion:

Like the Jews murdered in concentration camps, animals are terrorized when they are housed in huge filthy warehouses and rounded up for shipment to slaughter. The leather sofa and handbag are the moral equivalent of the lampshades made from the skins of people killed in the death camps.

For two years, PETA presented the Holocaust on Your Plate Campaign throughout the United States and much of the world. In almost every city and country where PETA activists turned up to promote Holocaust on Your Plate, Jewish groups and others angrily protested. But PETA doggedly stuck to its propaganda. Then, unexpectedly, on May 5, Newkirk issued an "apology for a tasteless comparison."

So, has PETA really recognized the error of asserting a moral equivalence between genocide and stock yards? Not in the least. PETA's is an apology that doesn't really say "We are sorry." In fact, Newkirk takes great pain to justify the entire Holocaust on Your Plate approach:

The "Holocaust on Your Plate" Campaign was designed to sensitize people to different forms of systematic degradation and exploitation, and the logic and methods employed in factory farms and slaughterhouses are analogous to those used in concentration camps. We understand both systems to be based on a moral equation indicating that "might makes right" and premised on a concept of other cultures or other species as deficient and thus disposable. Each has its own unique mechanisms and

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purposes, but both result in immeasurable, unnecessary suffering for those who are innocent and unable to defend themselves.

Since the group clearly still believes in its advocacy, what does PETA admit it did wrong? Resorting to that old standby of the unrepentant who know that public relations problems necessitate the appearance of contrition, Newkirk apologizes merely for the “pain” PETA’s campaign caused to Jews. Newkirk’s is thus a classic non-apology “apology.”

But when you look deeper, it isn’t even that. Newkirk’s pseudo mea culpa emphasizes PETA’s continued support for the book *Eternal Treblinka: Our Treatment of Animals and the Holocaust* by Charles Patterson, which gave PETA the idea to launch the Holocaust on Your Plate Campaign in the first place. (Treblinka was a notorious Nazi death camp.) And what is that book’s message? You guessed it: As the foreword puts it:

In *Eternal Treblinka*, not only are we shown the common roots of Nazi genocide and modern society’s enslavement and slaughter of non-human animals in unprecedented detail, but for the first time we are presented with extensive evidence of the profoundly troubling connection between animal exploitation in the United States and Hitler’s Final Solution.

So, it is quite clear that PETA continues to believe that “the leather sofa and handbag are the moral equivalent of the lampshades made from the skins of people killed in the death camps.” The group just wants to be able to claim that because it apologized for Holocaust on Your Plate Campaign, it should no longer have to defend itself about the matter in interviews and during debates.

But be clear: This is merely a public-relations tactic. The leopard has not changed even one of its spots. PETA remains firm in its belief that killing an animal is morally equivalent to killing a human being.

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